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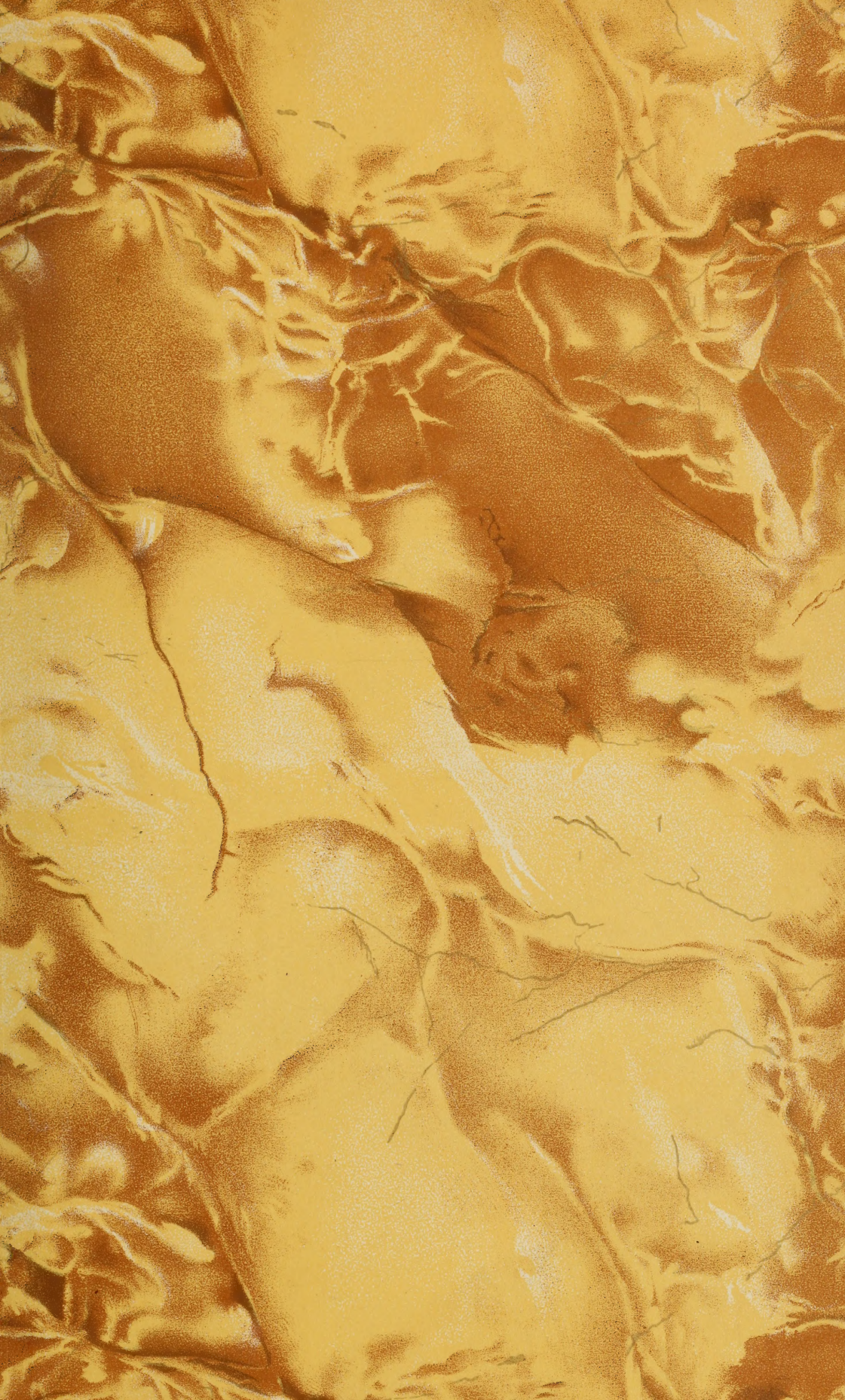
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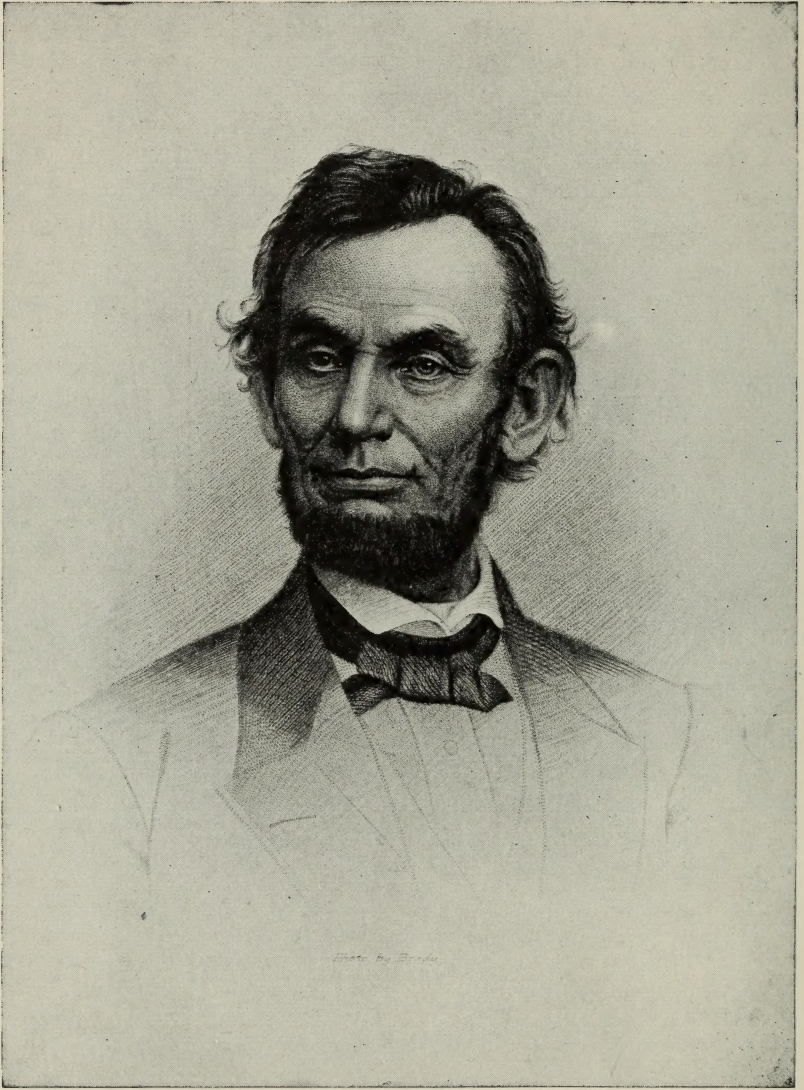
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ABRAHAM LINCOLN

ILLINOIS

THE HEART OF THE NATION

BY

HON. EDWARD F. DUNNE
FORMER JUDGE, MAYOR, AND GOVERNOR
Author and Editor

ILLINOIS BIOGRAPHY

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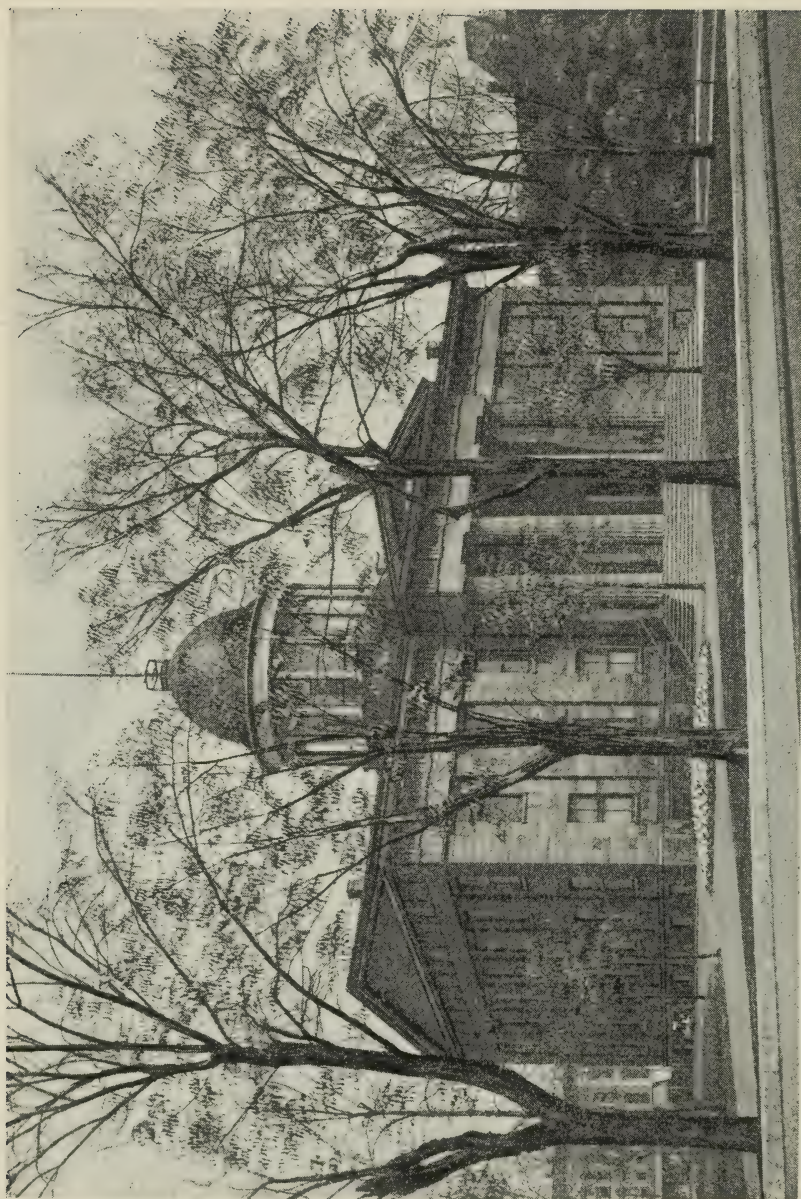
History of Illinois

CHAPTER XLVIII

LINCOLN NOMINATED AND ELECTED PRESIDENT

The most skillful maneuver ever made by a man in political life in the United States was made by Abraham Lincoln when he challenged Stephen A. Douglas to joint debate on the prairies of Illinois. At that time (1858) Douglas was serving the last of the twelve years he had sat in the Senate of the United States. He was all-powerful in his own state, the leader of the dominant political party in the nation, and, until his break with President Buchanan over the approval of the Lecompton Constitution in Kansas, the almost universally-accepted candidate of the Democratic party for the Presidency in 1860. Death or old age had stilled the eloquent voices of Webster, Clay, Hayne and Calhoun in the Senate. The most eloquent voice and the ablest skill in debate in that body then belonged to Douglas. He was well educated and had a charming personality. His magnetism had not only secured for him the friendship of thousands who clung to him inseparably; but had recently secured the love and bethrothal in marriage of a young, beautiful and accomplished wife. He had been highly successful not only in his legal profession, but in his business affairs, and had acquired a decent competence for those times.

On the other hand Lincoln, while several years older than Douglas, had rather an obscure, though decent record in public life. He had served three terms in the insignificant position of member of the Lower House in the Illinois Legislature, was twice defeated as candidate for speaker, was once defeated



From the collection of H. W. Fay, Springfield.

OLD STATE HOUSE, 1837-1876, SPRINGFIELD

Here Abraham Lincoln received news of his election to the Presidency.

when a candidate for Congress, and was recently defeated in the Legislature when candidate for the United States Senate. Before entering public life he had failed as a store-keeper in the obscure Village of Salem. His only political success outside of the Legislature was his election for one term in Congress during the Mexican war. During his two-year term in Congress he made his celebrated "spot" speech condemning the President for commencing the war, which made him so unpopular in his congressional district that he did not seek reelection. Practically without even rudimentary education (except such as he acquired by his own wonderful tenacity for reading) he was possessed of a rare gift of analyzing and sifting evidence and presenting in clear, logical and lucid language the outcome of his research. He was very successful in his practice of the law, but as a rule his clients were poor and his fees ridiculously small. Until the Lincoln-Douglas debates he was practically unknown outside of Illinois. His courtship was grotesque and his marriage rather unhappy. His face was homely and when in repose of sad expression, and his figure was unusually tall, ungainly and awkward. His usual costume at the time is conceded to have been of a slouchy, hand-me-down, ill-fitting character.

The sending of the challenge by Lincoln to Douglas under these surroundings at that time was an inspiration. Whether Lincoln conceived it himself or whether it was suggested by Judd, Medill or Washburne, is immaterial; it was still an inspiration. Douglas could not refuse the challenge without being charged with cowardice or refusal to meet fairly the great issues of the day. As Douglas said to a friend: "I have nothing to gain and everything to lose by acceptance," but nonetheless he must accept.

The acceptance placed the obscure and politically unsuccessful Lincoln on a dead level with the brilliantly prominent and politically successful Douglas on a raised political platform, under the noonday sun, within the ropes in a stadium where the 22,000,000 people of the United States could see and note the effect over every intellectual thrust and parry. Within three months the obscure Lincoln had his name on the tongues of every man and woman in the country as frequently and

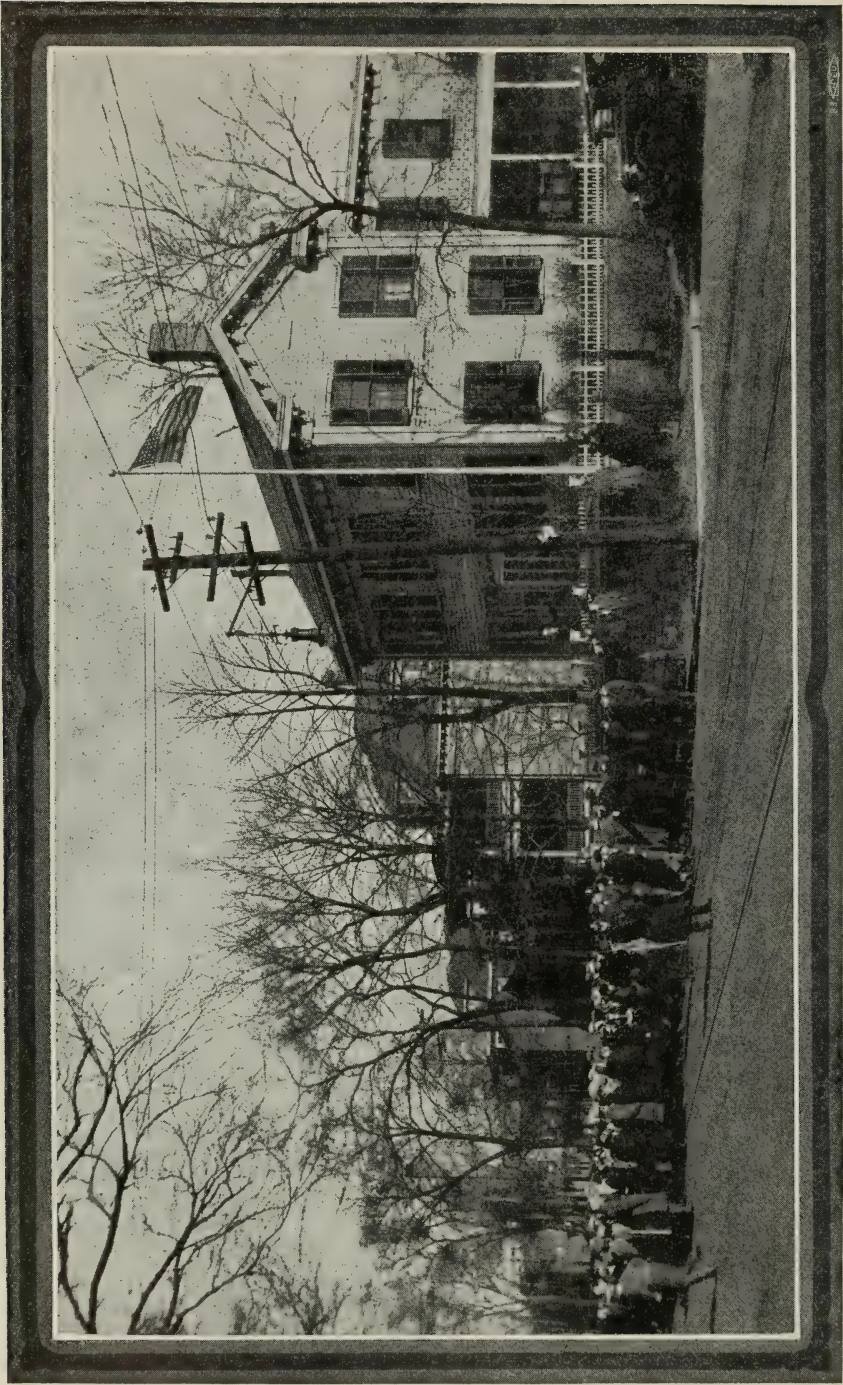
familiarly as the name of Douglas. As the substance and nature of his speeches became known to the public, the *man* grew in public estimation. His speeches became known to the public at a time when inflammatory utterances were falling from the lips of extremists on both sides of the slavery question. The cry of the Abolitionists was for the prompt and complete destruction of slavery in all the states without reference to the property rights vested in the owners of slaves by the Constitution of the United States. The shriek of the slaveholders was for the enactment of more drastic Federal laws for extension into and protection of slavery in the territories. Wendell Phillips, in words of burning eloquence, was holding up slavery and slaveholders to public execration and calling for the extirpation of slavery by force of arms. John Brown and others of like temperament were brandishing their rifles in Kansas and starting on the road to Harpers Ferry. Fire-eating southerners were yelling for secession and appealing for arbitrament by the sword. In the midst of this inflammatory atmosphere, the public were amazed to read the cautious, careful, law and constitution abiding utterances of this backwoods frontier lawyer, who expounded a carefully-worded way of stopping at once the spread of slavery, *within the law*, and ultimately adding free-soil states to the Union, so as to, without confiscation or injury to property rights, sooner or later bring about the destruction of slavery.

Douglas' plea for popular sovereignty in the new territories was an ingenious one and found favor with those who believed in "the right of the people to rule," or pure democracy. It was a just solution for those who believed "that the people can do no wrong." But there were immense numbers of people in both of the old parties, Whig and Democratic, who believed that the people of the southern states had been "doing wrong" and that the founders of the Republic had done wrong, when they wrote into the fundamental law of the nation provisions for the continuance and preservation of human slavery. They had little patience with the exigencies and difficulties of these great men when they were endeavoring to cement into one great nation thirteen weak colonies who were, in the eighteenth century, so weakened by seven years of war and impoverished

to the condition of near starvation, as to be unable to exist as governments without confederation and nationalization. Douglas' ingenious plan of peoples sovereignty was open to the charge of being weak in two points. It made it possible if not probable to introduce slavery into one or two or all of the new territories; and, second, it invited, as was shown in the case of Kansas, wholesale colonization and corrupt elections on every occasion where the people might apply for the creation of a territorial organization or statehood.

While Seward and Chase and other eminent and able leaders of the Republican party were talking of an "irrepressible conflict," which meant war, or about "a higher law," which meant violation of the Constitution, this able, ingenious and conservative enemy of slavery was preaching a doctrine *within the law and Constitution* which would stop at once the onward march of the slaveholders and eventually abolish slavery without confiscation or war on property rights. Lincoln was soon called upon to further develop and explain his theories formulated in these speeches to his fellow-countrymen in the eastern states.

Sometime in 1858, while three young journalists, Medill, Scripps and Hitt, all friends and admirers of Lincoln, were in conference in the offices of the *Chicago Tribune*, one of them produced a letter from a prominent eastern statesmen reading: "Who is this man who is replying to Douglas in your state? Do you realize that no greater speeches have been made on public questions in the history of our country; that his knowledge of the subject is profound, his logic unanswerable, and his style inimitable?" A prominent eastern journal at the same time declared: "No man of this generation has grown more rapidly before the public than Lincoln in this canvass." In 1859 Lincoln received many invitations to make addresses in Illinois and its neighboring states. In September, 1859, during an election for Governor of Ohio, Lincoln responded to an invitation to speak in that state. On the 16th he spoke at Columbus and on the 17th at Cincinnati. In the Columbus speech he took for his text an article contributed by Douglas to *Harper's Magazine* on the subject: "The first duty of American statesmen is to mark distinctly the dividing line between Federal and local



LINCOLN HOME AT SPRINGFIELD

(From *Illinois Blue Book*.)

authority." In this article Douglas had again enunciated and upheld his doctrine of popular sovereignty. In criticising Douglas' article, Lincoln in these Ohio speeches declared that popular sovereignty meant that if one man made a slave of another man, neither that other man nor anybody else had the right to object. Douglas' contention that unfriendly local legislation and regulation could prevent slavery, he contended, was untenable because that it falsely maintained that slavery "may be lawfully driven away from where it has a lawful right to be." Lincoln then quoted Thomas Jefferson as having said in reference to slavery: "I tremble for my country when I remember that God is just," and often cried out to his audience: "Choose ye between Jefferson and Douglas."

Early in 1860 Lincoln was invited to deliver a lecture in Plymouth Church, Brooklyn. Upon consultation with his intimates, he decided to accept upon condition that he might prepare and deliver a political discourse rather than a lecture. The desire to see and hear him in Brooklyn was so strong that the church authorities consented to his condition. Upon arrival in New York, two days before the date agreed upon, he found that the place for the delivery of his "discourse" was changed from Plymouth Church, Brooklyn, to Cooper's Institute, New York City, and that his audience would be a notable one, presided over by none other than William Cullen Bryant. He proceeded industriously to consume the two intervening days in developing, trimming and polishing off his intended speech. It proved, when delivered, to be a great success. Notwithstanding his emaciated and elongated figure, his homely face and his awkward gestures, his evident sincerity, his simple dignity and his mastery of clear expression and logical reasoning completely captured his refined and cultured audience. His Cooper Institute speech removed all doubt in the East as to his being an able and capable leader of a great moral and political reform and a formidable contender with Seward, Cameron and Chase for the Presidency of the United States.

Shortly after the Lincoln-Douglas debates, some of Lincoln's friends and admirers began to look upon Lincoln as made of Presidential timber. Among the first were Jesse W. Fell, of

Bloomington, and Billy Herndon, Lincoln's law partner and afterwards one of his biographers. Very soon afterwards more prominent and powerful men in the Republican party became of the same opinion, among them such influential men as John M. Palmer, Joseph Medill, David Davis, Norman B. Judd, O. H. Browning, Richard Yates, Gustavus Koerner and Jesse DuBois. As the result of clever campaign work by the *Chicago Tribune*, an apparently spontaneous demand arose in Illinois for the presentation of his name by that state as its candidate for the Presidency. John Wentworth, in the *Chicago Democrat*, advised the Republicans to nominate him for both governor and President. Lincoln was not yet, however, prepared to regard himself as capable of such great distinction. In April, 1859, he told one editor who pressed him for consent to use his name as candidate for the Presidency: "I must in all candor say, I do not think myself fitted for the presidency." This was not mock modesty. He was slow to appreciate his ability to fill this exalted position.

The number and high standing of his Illinois friends who argued with him upon his capacity and availability at length prevailed. In the spring of 1860 he wrote to Norman Judd: "I am not in a position where it would hurt much for me to not be nominated on the national ticket, but I am where it would hurt some for me not to get the Illinois delegates. Can you help me a little in your end of the vineyard?"

The Republican County conventions were held early in 1860 and in many of them "Honest Abe" was endorsed for President. The state convention met at Decatur, May 9, 1860, and instructed the Illinois delegation to the national convention to vote as a unit for Abraham Lincoln as President of the United States. Meanwhile, Lincoln's Illinois friends were active with the Republican National Committee. Norman B. Judd and others maneuvered with such adroitness and ability that they succeeded in getting that committee to locate the next Republican National Convention at Chicago, within 200 miles of Springfield, Illinois, the capital of the state and the home of Lincoln. It was a city then with a population of about 120,000, which was infested with Lincoln enthusiasts and a city where tens of thousands

of other Lincolmites from the nearby states of Indiana, Ohio, Wisconsin, Michigan, Iowa and Missouri, as well as the Illinoisans, could congregate at little expense for travel. As a result the streets, stores and hotels of Chicago were thronged with ardent and enthusiastic admirers of Lincoln, who greatly outnumbered the followers of all other candidates. Lincoln's managerial friends, however, were too shrewd to rely alone upon street enthusiasm. With the same shrewdness and enthusiasm that procured the location of the convention at Chicago, they secured the greater number of the seats assigned to the public in the convention hall. Chicago at that time had grossly inadequate hotel and public hall accommodations. Lincoln's Illinois managers were hustlers. They solicited from the public subscriptions for the building of a great frame, barn-like convention hall, large enough to seat 10,000 people. Doubtless the subscribers to this fund were given pledges of seats in the convention hall proportionate to their subscriptions. In any event, when the convention was called to order and while its proceedings were in progress, vociferous friends of Lincoln were found to be occupying most of the seats assigned to spectators. The convention hall was adroitly given a frontier name, "The Wigwam," and Lincoln's friends in the spectators' seats, in keeping with the Indian name of the hall, greeted any mention of the name of their chief with yells and war-whoops that would have done credit to the old Illini, Shawnee and Kickapoo tribes.

In this atmosphere the Eastern candidates, Seward, Chase, Blair and Cameron, were laboring under a great disadvantage. The Illini tribe overnight had formed an alliance with the Miami tribe from Indiana, and when Norman B. Judd nominated Lincoln, his nomination was seconded by Caleb B. Smith, chief of the Miami tribe and chairman of the Indiana delegation, and both were rewarded with the whoops of Illini and Miami in the spectators' seats. William M. Evarts presented the name of William H. Seward of New York. On the first ballot Seward received $173\frac{1}{2}$ votes, Lincoln 102 votes, Chase forty-nine votes, Blair forty-eight votes and Camerson fifty and one-half votes. On the second ballot Seward had $184\frac{1}{2}$ and Lincoln 181. On

the third ballot Lincoln received 231½ votes, or two and one-half votes short of nomination. When the vote was announced, Ohio changed four votes to Lincoln, and he was nominated amidst tremendous enthusiasm and yells of delight from the Illinois tribes.

The general rank and file of the Republican party received the news of Lincoln's nomination with satisfaction and hearty approval. For a time, however, among the highly cultured and wealthy classes of the East there was a feeling of regret that an able and highly educated gentleman like Seward should have been set aside in favor of a coarse, unlettered man ignorant of the amenities of genteel society. As the reports sent East by able journalists from the Eastern metropolitan papers concerning Lincoln's simple dignity and clear-headed views upon the great living issue of the day reached into their homes and firesides, this feeling of disappointment faded away.

Mr. Seward soon gave a written statement to the public in which he declared that: "No truer exposition of the Republican creed could be given than the platform adopted by the convention contains. No truer or firmer defenders of the Republican faith could have been found in the Union than the distinguished and esteemed citizens on whom the honors of the nomination have fallen." Among those who promptly proceeded to advocate Mr. Lincoln's election on the platform and in the press were the leaders of the party, including Seward, Salmon P. Chase, Horace Greeley, Thaddeus Stephens, Cassius M. Clay and Carl Schurz.

Lincoln's nomination by the Republican party in May, 1860, took place at a period when for the first time in its history the Democratic party was in a desperate condition of disruption and factional bitterness. The overwhelming sentiments of the Democrats in the Northern states were behind Douglas and in hearty accord with the course he had pursued in repudiating the Lecompton Kansas Constitution because it was conceived and brought forth in violence and corruption. The Democrats in the Southern states, on the contrary, were overwhelmingly antagonistic to him because of his course in relation to Kansas and because he defied the Democratic President Buchanan when

he attempted to coerce him to a different course. Buchanan and his appointees in Illinois had not only attempted to prevent his reelection to the Senate, but after he had been reelected the President and the senators from the slave states removed him from the responsible and powerful position of chairman of the Committee on Territories in the Senate. In this predicament Douglas refused to permit his name to be presented as a presidential candidate in the Democratic National Convention, called to meet at Charleston, South Carolina, April 23, until he knew what platform would be adopted. Promptly and vigorously he



THE WIGWAM WHERE LINCOLN WAS NOMINATED IN 1860

proceeded to organize his friends and elect delegates to the Charleston convention. The Democratic State Convention of Illinois met January 4, 1860, and reaffirmed the Democratic national platform of 1856. It instructed the delegation from Illinois to the national convention to vote as a unit for Douglas as nominee for the presidency and pledged the Democracy of Illinois to vote for the nominees of the Charleston convention. On January 10, 1860, the Buchanan Democrats (or the Danites, as they were dubbed by Douglas Democrats) held a convention, appointed delegates to the Charleston convention, and adopted a platform affirming the nullification doctrine of Calhoun, up-

held the Dred Scott decision, endorsed the Buchanan doctrine and bitterly denounced the doctrine enunciated by Douglas in his Freeport speech.

Colonel Richardson was Douglas' manager at the Charleston convention and was an able and astute parliamentarian. He succeeded in placing Douglas' friends in charge of the organization of the convention. The Danite delegations were properly refused recognition and the real struggle in the convention took place over the adoption of a platform. The committee on platform presented two reports, one by the majority and the other by the minority of the committee. The majority report was favorable to the slave-holding states of the South. Among other provisions it declared: "Neither Congress nor a Territorial Legislature, whether by direct legislation or legislation of an indirect or unfriendly character, possesses the power to annul or impair the constitutional right of any citizen . . . to take his slave property into the common territories and there hold and enjoy the same while the territorial conditions remain." This was, of course, a direct repudiation of the contention made by Douglas in his Freeport speech. The minority report was in the main the same as the platform drafted by Douglas and the Democratic congressmen from the North in test, the majority report of the committee favoring the slave-Washington. On the floor of the convention, after a bitter conholders was rejected and the minority report, backed by the friends of Douglas was adopted. The enraged and recalcitrant Southerners were so incensed over the result that forty-five delegates from the states of Alabama, Arkansas, Florida, Louisiana, Georgia, Texas, Mississippi and South Carolina seceded and withdrew from the convention. The total number of delegates was 303. Upon the retirement of the forty-five, there were left on the floor of the convention 258 delegates who proceeded to vote for the presidential nominee. Under an old and well-established rule, two-thirds of the total number of delegates was necessary to a choice. As in this convention there were 303 delegates, a vote of 202 was necessary to secure the nomination. Fifty-seven ballots were taken, during which Douglas led the ballots, at one time receiving 151½ votes, or one-

half of the total of 303, the other 107½ votes being scattered for different persons. As no candidate received the necessary 202 votes during the fifty-seven balloting, the convention adjourned in a gloomy and despondent mood to meet at Baltimore, June 7, following. All these proceedings in the Democratic convention, it will be noted, occurred in April, 1860. The Republican convention, heretofore described, met in the following month, May, 1860, and the adjourned Democratic convention met in June, the month following. Lincoln's nomination on the third ballot at Chicago was made by an united and enthusiastic party after the Democrats had exposed to it and the world their distracted and disorganized condition at Charleston. All weather signs on the political horizon augured well for the Republican victory which followed.

Between the date of holding the Democratic convention at Charleston and the adjourned convention held at Baltimore, June 7, Douglas and his followers made strenuous efforts to effect a compromise between the Northern and Southern factions of the party. The Southern recalcitrants and fire-eaters refused to treat with Douglas' friends unless upon a basis that the party must abandon Douglas' contention made in his Freeport speech and announced freely by him before the Freeport speech, both in and out of Congress, that slavery could be prohibited in the territories by local territorial legislation and police regulations. Douglas resolutely refused to abandon this position and his refusal blasted all his prospects of his receiving the vote of the Southern states. As predicted by the sagacious Lincoln in his letter to his friend heretofore mentioned: "Douglas was dead in the South." Southern papers and leading men commented unfavorably upon his Freeport speech. The *Cincinnati Commercial*, regretting a possible split in the Democratic party, said: "The original Buchanan men, and those whose interests it is still to appear to cling to the presidential faction, could not, of course, have anything to do with him (Douglas)." The *Commonwealth*, of Franklin, Kentucky, declared: "The position of Mr. Douglas upon the question of slavery in the territories, is, if possible, more objectionable than that of Mr. Lincoln." The *Wilmington* (North Carolina) *Journal*, in commenting on Doug-

las' answer to Lincoln at Freeport declared: "This is at variance with the principles laid down by the Supreme Court in the Dred Scott case, with those avowed by the President . . . and by those entertained by the whole Southern Democracy." Senator Judah, from Louisiana, May 28, 1860, said: "Up to the years 1857 and 1858 no man in this nation had a higher or more exalted opinion of . . . the Senator from Illinois (Douglas) than I had. . . . I have been obliged to pluck down my idol from his place on high and to refuse him any more support or confidence as a member of the party.

These expressions fairly represented the sentiments of the pro-slavery people of the South at this time. They were clearly preparing, in their assertion of their right to introduce slavery into the territories, to wreck the Democratic party if it adopted a platform militating against that aim, and to dismember the Union if the expansion of slavery into the territories was prevented.

In this situation, so gloomy for the Democratic party and so ominous for Douglas and his following, the adjourned Democratic convention was held at Baltimore, June 7, 1860. Further efforts were made to bring about harmony between the Northern and Southern factions without avail. Other delegates sympathetic with the slave states withdrew from the convention. Some of these vacant seats were filled by other Southern delegates, but when the convention was ready to do business less than 200 votes answered the roll call. Douglas received 181½ votes for the presidential nomination and was declared the nominee. Only about a dozen other votes were cast and these were scattered. The seceding Southern delegates then met and nominated John C. Breckenridge of Kentucky for President upon a platform which declared, first, that Congress had no right to abolish slavery; second, that a territorial legislature had no right to abolish slavery in the territories.

Under these discouraging circumstances and confronted by what now seemed unsurmountable obstacles, the courageous Douglas accepted the Baltimore nomination and buckled on his armor for battle on a "people's sovereignty" platform. Notwithstanding his arduous and energetic campaign, his splendid

courage, his winning ways and persuasive eloquence, he was doomed to defeat. His "popular sovereignty" doctrine, with his interpretation thereof in his Freeport speech that under it slavery could be prevented by local laws and regulations, lost him the support of the ordinarily Democratic states of the South. The undeniable fact that under "popular sovereignty" slavery could be installed in the territories of the North and West lost him the overwhelming majority of the voters in the Northern states. He had gone too far for the one and not far enough for the other.

Upon the advice of sagacious and politically-wise friends, Lincoln remained at home at Springfield, relying upon his platform and his past utterances and the dissensions of the Democratic party, for the outcome of the election. On the contrary, Douglas determined to disregard the established custom of presidential candidates refraining from making campaign speeches. He at once took the stump both in the North and South, hoping by his presence and personal presentation of his argument for "people's sovereignty" to win the votes of the conservative citizens who loved the Union with patriotic ardor and feared its dissolution as the result of the acrimonious and belligerent attitude of the extremists on the slavery question. That there was such an element of voters among the electorate is shown by the fact that a fourth ticket was placed in the field, labeled the National Union party, headed by John Bell, of Tennessee, as candidate for President, and Edward Everett for vice president. This group was mostly composed of a feeble remnant of the old Whig and Know-Nothing parties, who rather than vote for either Douglas or Lincoln selected these men as the recipients of their votes. Strange to say, this National Union party, while only receiving one-ninth of the popular vote, and less than half of the vote given Douglas, cast in the electoral college more votes for Bell and Everett than Douglas obtained in that body. While Lincoln remained peacefully at home at Springfield, Douglas took the stump in both Northern and Southern sections of the country and conducted a vigorous but exhausting campaign against Lincoln's campaigners and Bell and Breckenridge, but without avail. The supporters of Breckenridge and Bell fought

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J. D. CATON, President, Ottawa, Ill.

By Telegraph from
To Lincoln

18' 18'
You are nominated
J. D. Caton

LINCOLN TELEGRAM, "YOU ARE NOMINATED"

(Courtesy Illinois State Historical Library.)

him as determinedly as did the followers of Lincoln. When the votes were counted, the result of the presidential election of 1860 was as follows.

| | Popular Vote | Electoral Vote |
|--------------------|--------------|----------------|
| Lincoln ----- | 1,886,452 | 180 |
| Douglas ----- | 1,376,957 | 12 |
| Breckenridge ----- | 847,514 | 72 |
| Bell ----- | 587,830 | 39 |
| ----- | <hr/> | <hr/> |
| | 4,678,853 | 303 |

The rout of the Democratic party that had ruled the nation for sixty years, excepting two short intervals of four years, was complete. While the Southern Democratic popular vote cast for Breckenridge, if added to the popular vote cast for Douglas, exceeded over 358,000 that cast for Lincoln, the events which occurred almost immediately after the election proved that it was impossible ever to consolidate them behind a Democratic candidate until the slavery question would be finally settled forever by the dread arbitrament of a bloody war.

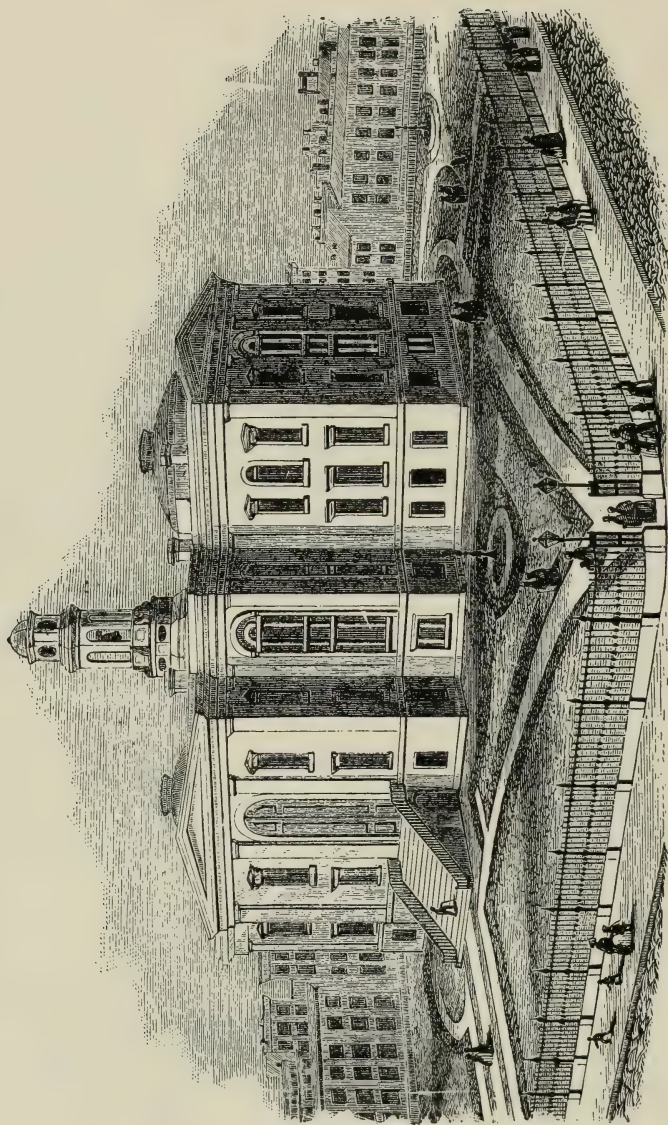
CHAPTER XLIX

SOUTHERN THREATS OF SECESSION FULFILLED

The only state in the Union which selected its presidential electoral votes in its Legislature in 1860 was South Carolina. The Legislature of that state met November 6, 1860, selected its members of the electoral college, pledged them to vote for Breckenridge and remained in session until the final result of the general election for the presidency was known. That result was ascertained within two or three days. On November 10 the Legislature of that state appropriated money for the purchase of arms, and called a state convention to act upon the question of the state seceding from the Union of States. This convention assembled December 17, 1860. On December 20 it unanimously passed an ordinance repealing the act of ratification of the Constitution of the United States, passed by the ratifying convention of 1788, and an ordinance formally seceding from the Union in which it declared that "the State of South Carolina has resumed her place among the nations of the world."

Before Lincoln's inauguration as President, March 4, 1861, five other Southern states had joined South Carolina and passed ordinances of secession. These other states were Alabama, Florida, Louisiana, Mississippi and Texas. This was a confirmation of the oft-expressed fears of Douglas, and must have been a shock to Lincoln, who up to this time did not believe that secession was more than an intimidatory threat of the fire-eating slaveholders of the South. On December 8, 1860, Congress met and received the last annual message of President Buchanan, which in substance declared secession to be wrong and illegal, but expressed a doubt as to whether there was any constitutional power in the general Federal Government to coerce a state to

remain in the Union. The belligerent acts of these six states, even before the inauguration of the newly-elected President, paralyzed for many years the prospects of the Democratic party and broke its organization in twain. The responsibility for the wreck of the party and the attempted ruin of the nation by civil war, rests solely and clearly upon the selfish, treasonable slave-holding Democrats in the Southern states. In their effort to extend the shocking, inhuman institution of human slavery into the North, they were willing not only to wreck the party founded by Jefferson, fostered by Madison and Monroe and solidified and made more powerful by Jackson, but to dismember the greatest Republic on earth. Their right to nourish and maintain slavery within the Southern states had not been attacked or even questioned by Abraham Lincoln and his party. Their right to pursue and recover their slave property when it escaped into free-soil states was conceded by Lincoln and the Republican party. Extreme and fanatical abolitionists, it is true, often said and did things which interfered with and sometimes prevented the recovery of their escaped slaves. But these were utterances and acts of fanatical and avowed law-breakers, who formed an exceedingly small minority of the people. The seceding states and all those states which finally engaged as rebels in the War of the Rebellion, concededly had the Constitution and the laws of the United States behind them in preserving and maintaining slavery within their own borders and preserving their legal rights to recover their slave property if it escaped into any United States territory, when they rebelled against and attempted to destroy the Union. All parties, Republican as well as Democratic, conceded these lawful rights. The thing that was not conceded and the thing they fought for, even to the extent of attempting to destroy the Union, was the right to spread the brutal, degrading and inhuman system of human slavery into the Northern and Western territories of the United States. This was abhorrent to all Republicans and to hundreds of thousands of Democrats in the North. The "deadly sin" of the rebellion was committed by slaveholding states of the South from purely selfish and unworthy motives. The "original sin" that made rebellion possible was committed by the great founders and



COURT-HOUSE, CHICAGO.

SECOND COOK COUNTY COURTHOUSE

As originally erected in 1853. A third story was later added. The building was destroyed by fire in 1871.

builders of the American nation. In laying the foundation for the fundamental law of the republic, they were compelled to use thirteen stones and several of these stones were porous and scaly and permitted the slime of human slavery to seep into and undermine the structure. When, however, we attempt to criticize the framers of the Constitution, we should recall the circumstances within which they were compelled to work. The thirteen colonies had just succeeded, with the assistance of France, in escaping from the tyrannical exactions of Great Britain after a heart-breaking and impoverishing war of eight years. Wounded and beggared, these thirteen colonies had the ocean on one side from which its shipping had been driven by British men-of-war; and the savage Indian tribes on the other. They could not stand alone. They must unite and confederate if they hoped to survive. At the time slavery existed in all, or almost all, of the thirteen colonies. In the Southern colonies slave property formed a considerable part of all the property therein. If slavery were abolished all this property would be destroyed without compensation for the reason that the colonies had no money to compensate the owners. Slavery had existed all over the world, including the colonies, for centuries. No confederation could be brought about unless the property rights in slaves were recognized and protected. Great Britain and many other European nations, but principally Great Britain, was then and had been for many years carrying on a very profitable business in seizing and selling black men as slaves to the American colonists and others throughout the civilized world. Yankee shipholders in New England were carrying on the business with great financial success.

When the framers of the Constitution assembled, this was the situation. Without recognition of existing property rights, of course, no form of government could be agreed upon. Property rights on the black slave were universal at the time. No matter how many of these men may have thought that slavery was shocking and indefensible, they were confronted with actualities and not sentiments. No confederation of the thirteen colonies or of even half of them could have been brought about unless property rights in black human beings were preserved

and protected. No republic of thirteen United States could have been born at that time unless the founder-fathers of the nation conceded slavery as a part of the fundamental law of the newly-created nation.

If the Southern states had been content to rest upon their constitutional rights to maintain and foster slavery within their own borders, and had not attempted to spread it into the North and West, the Civil war in all probability never would have been waged. The new territories in the North and West would have, by the laws of nature and climatic condition, come into the Union first as free-soil territories and then as free-soil states. Within twenty years from the outbreak of the Civil war, or by 1880, the Southern slave states had less than one-fourth of the representatives in Congress and in the electoral college, as is shown by the actual records, and Congress could have had the power in 1880 or afterwards to have brought about a constitutional amendment abolishing slavery in all the states and territories peaceably. This, but for the war of the rebellion, they would have done by payment to the owners of the slaves of the full value of their property. The sentiment of the people of the United States then and ever since has been against the taking of private property for the public good, unless the owners were fully compensated for the property so taken. The march of events and the sense of humanity and justice would have compelled the abolition of slavery upon full payment to the owners of its value and allowing each state to fix the political status of the former slaves.

CHAPTER L

ILLINOIS IN THE CIVIL WAR—RICHARD YATES THE WAR GOVERNOR

As the space and time allotted to me for a history of Illinois are limited, I can only refer to the great Civil war which for four years distracted the Nation insofar as this state participated therein. President Lincoln was inaugurated March 4, 1861, at Washington. Less than six weeks thereafter the State of South Carolina, in open rebellion, fired upon Fort Sumter and the flag of the Union at Charleston, and compelled the surrender of the fort.

Before this tragic and treasonable act, its coming was anticipated in Illinois. Richard Yates the elder, who had been elected Governor of Illinois in November, 1860, on the same Republican ticket at the head of which appeared Lincoln's name as President, was inaugurated January 14, 1861. Governor Wood (who had succeeded Governor Bissell upon his death a few months before), President-elect Lincoln and Governor Yates all had their offices for the time being in the State House at Springfield and were in constant conference. Undoubtedly, as a result of these conferences, Governor Yates, in his inaugural address, declared in emphatic terms that "the whole material of the Government, moral, political and physical if need be, must be employed to preserve, protect and defend the Constitution of the United States."

Many problems arising out of the secession of the southern states arose in the Illinois Legislature. Virginia had proposed to the other states, the appointment of commissioners to meet in Washington to consult on measures for a peaceful settlement of the difficulties between the states. Although Lincoln urged



RICHARD YATES, GOVERNOR 1861-65
(Courtesy Illinois State Historical Library.)

no action thereon, Governor Yates finally, after conference with his friends, decided that as a matter of political necessity he should appoint such commissioners. He designated Ex-Governor John Wood, Stephen T. Logan, Gustavus Koerner, B. C. Cook and Thomas Turner as such commissioners. Governor Wood, before retiring from his brief term as governor, called the attention of the incoming Governor Yates to the non-existence of any efficient state militia. Since the war with Mexico there had been no need of disciplined soldiery. The paper militia assembled for so-called drills occasionally, but it was more for exercise and amusement than for soldierly training. No effective action was taken on the subject, however, until after the firing upon Fort Sumter.

Lincoln in his inaugural address declared it was the duty of the President to maintain the supremacy of the laws of the Nation as did Andrew Jackson, when nullification was asserted in South Carolina. Douglas promptly declared the President's message to be a declaration of war against secession; and prepared to mass the Douglas Democrats behind the President. When Fort Sumter was fired upon, Douglas promptly called upon President Lincoln. After the conference between these two great patriots, Douglas dictated a message to the people of the United States through the Associated Press, announcing that he had pledged himself, and his future, to the President of the United States in active cooperation towards putting down the Rebellion and saving the country, which message was broadcasted from Maine to California. At the time it was said: "One blast from his (Douglas) bugle was worth a million men." After his conference with the President, about April 14, 1861, Douglas left Washington for Springfield to address the Legislature of Illinois April 25. In that noble and memorable speech he declared: "So long as hope of peace remained, I pleaded and implored for compromise. Now that all else has failed, there is but one course left, to rally as one man to the flag of Washington, Jefferson, Hamilton, Madison and Franklin. You will be false to and unworthy of your principles if you allow political defeat to convert you to traitors to your native land.

The shortest way now to peace is the most stupendous and unanimous preparation for war."

From Springfield, Senator Douglas went to Chicago to speak in the wigwam where Lincoln was nominated. At a monster meeting at that place he again addressed his fellow citizens in the following language:

If war must come, if the bayonet must be used to maintain the constitution, I say before God that my conscience is clear, I have struggled long for a peaceful solution of the difficulty. I have not only tendered these states what was theirs of right, but I have gone to the very extreme of magnanimity.

The return we receive is war; armies marching upon our capital; obstructions to our navigation; letters of marque to invite pirates to prey upon our commerce; a concerted movement to blot out the United States of America from the map of the globe. The question is, are we to maintain the country of our fathers, or allow it to be stricken down by those who, when they can not longer govern, threaten to destroy.

What cause, what excuse do disunionists give us for breaking up the best Government upon which the sun of heaven ever shed its rays? They are dissatisfied with the result of the presidential election. Did they never get beaten before? Are we to resort to the sword when we get beaten at the ballot box? I understand that the voice of the people, expressed in the mode appointed by the constitution, must command the obedience of every citizen. They assume on the election of a particular candidate that their rights are not safe in the union. What evidence do they present of this? I defy any man to show any act on which it is based. What act has been omitted to be done? I appeal to these assembled thousands, that, so far as the constitutional rights of slave-holders are concerned, nothing has been done and nothing omitted of which they can complain.

Naples, Oct 30. 1854

Dear Yates:

I am here now going to Quercy, to try to give Mr. Williams a little lift - I expect to be back in time to speak at Earlswiler on Saturday, if thought expedient. What induces me to write now is that at Jacksonville as I came down to-day, I learned that the English in Morgan county have become dissatisfied about No. Nothingism - Our friends, however, think they have got the difficulty mistaken. Nevertheless, it would be safer, I think, to do something on the subject, which you alone can do - The inclosed letter, or draft of a letter, I have drawn up, of which I think it would be well to make several copies, and have one placed in the hands of a safe friend, at each precinct where a considerable number of the ^{germans as well as english} foreign citizens vote. Not knowing exactly when a letter will reach you, I fear this can not be very promptly attended to. But if the copies get into the proper hands the day before the election, it will be time enough - The whole of this is, of course, subject to your own judgment -

Lincoln

FACSIMILE OF LINCOLN LETTER TO YATES

(From original, presented to Edward F. Dunne by Governor Richard Yates, the younger.)

A. Lincoln
1854

~~X~~

Mr. Arnold

The matter suggested within was not attended to and so happened that I lost my elec. by the loss of that vote. The district gave about 2000 Dem. majority - I was beaten

only two hundred votes over one half of which would have voted for me but for a false and sworn to statement that I had been seen in a. Know nothing Lodge.

Truly Yours

Richd Yates

June 17. 1869

The slavery question is a mere excuse. The election of Lincoln a mere pretext. The present secession movement is the result of an enormous conspiracy, formed more than a year since, formed by leaders in the Southern Confederacy, more than twelve months ago.

But this is no time for detail of causes. The conspiracy is now known. Armies have been raised, war is levied to accomplish it. There are only two sides to the question. Every man must be for the United States or against it. There are to be no neutrals in this war, only patriots and traitors.

Thank God, Illinois is not divided on this question. I know they expected to present a united South against a divided North. They hoped that in the northern states party questions would bring civil war between Democrats and Republicans, when the South would step in with her cohorts, aid one party to conquer the other, and then make easy prey of the victors. Their scheme was carnage and civil war in the north.

There is only one way to defeat this. In Illinois it is being so defeated by closing up the ranks. War will thus be prevented on our own soil. While there was a hope for peace I was ready for any reasonable sacrifice or compromise to maintain it.

Illinois has a proud position—united, firm, determined never to permit the Government to be destroyed. I express to you my conviction before God that it is the duty of every American citizen to rally around the flag of his country.

The effect of these speeches was tremendous irrespective of former party allegiance. The citizens of Illinois irrespective of past party allegiance rallied to the support of the Union cause. This was the last public utterance of the great patriot Stephen A. Douglas. From the Wigwam he was taken to the Tremont House which he never thereafter left alive. In that hotel he was stricken with a fatal illness and died on June 3, 1861.

On April 15, 1861, after Fort Sumter had been fired upon, President Lincoln in the exercise of his constitutional powers issued a call for 75,000 troops to maintain the honor, integrity and existence of the Union and the perpetuity of popular government.

On the 23rd of the same month, at the call of Governor Yates, the Legislature of Illinois met at Springfield and authorized the raising of ten regiments of infantry, in addition to six regiments that had already been sent down to occupy and protect Cairo.

The Legislature also authorized the issuance of \$2,000,000 worth of bonds and the establishment of military camps. Nine additional regiments were to be raised, one in each congressional district and one regiment at large.

When the President first called for the 75,000 troops six regiments were allotted to Illinois. A company was raised in Galena and came to Springfield where it was accepted and mustered in and became a part of the Eleventh Regiment. With this Company U. S. Grant came to Springfield. He was at the time a graduate from the West Point Military Academy and had seen service in the Mexican war and in California, but had resigned from the army to enter into the tanning business with his father in Galena. Governor Yates met Grant in Springfield and prevailed upon him to remain in Springfield and assist the adjutant-general in organizing the troops. Grant cheerfully consented and mustered or helped to muster in seven of the ten extra regiments authorized by the Legislature; and was appointed colonel of the Twenty-first which was recruited in the vicinity of Mattoon. He was soon ordered with his troops to Palmyra, Missouri, and thence moved southward to the neighborhood of Hannibal, where, on the 7th of August, he was made a brigadier-general. After directing several small expeditions in Missouri he was ordered to Cairo, which had been designated as his headquarters.

On arrival at Cairo in September, 1861, he found Col. Richard Oglesby in command. Grant assumed charge at once in Cairo and quickly fitted out a small expedition for Paducah, Kentucky, to prevent its falling into the hands of the rebels.

From the moment of his inauguration down to the end of his term Governor Yates was most vigilant and patriotic in backing up the Federal Government in Washington and forwarding to its assistance everything that was called for from the State of Illinois. No governor in any of the states was more patriotic and energetic in sustaining the hands of the President and the Congress, than Governor Richard Yates of Illinois.

In the fall of 1862 a new Legislature was to be elected in Illinois. The Democrats held their state convention for the nomination on September 10th. The Republicans followed suit on September 22nd. Resolutions adopted by the Democratic convention showed patriotism and devotion to the Union. One of them read as follows: "Resolved, that the Constitution and laws made in pursuance thereof, are and must remain the supreme law of the land; and as such must be preserved and maintained in their proper and rightful supremacy; that the rebellion now in arms must be suppressed; and it is the duty of all good citizens to aid the general government in all legal and constitutional measures necessary and proper to the accomplishment of this end."

At the time of the holding of the convention there were indications that President Lincoln was about to issue an Emancipation Proclamation. In view of the probability that such a proclamation might be issued the convention protested against the same and against turning a war for the preservation of the Union into one for the emancipation of the slaves.

The Republican convention passed resolutions endorsing President Lincoln's conduct of the war and the proposed Emancipation Proclamation and pledged the party to the support of the governor of the state.

The election held in November resulted in the endorsement of the Democratic platform and the election of a majority of Democratic representatives. In the Legislature which was assembled in 1862 in the Senate there were thirteen Democrats and twelve Republicans; in the House fifty-four Democrats and thirty-two Republicans.

That there was very widespread opposition at this time in the State of Illinois to the issuance of an Emancipation Procla-

mation is evidenced by the fact, that this Democratic Legislature was elected upon an anti-emancipation proclamation platform, and that the Legislature elected at that time passed resolutions condemning the President for his conduct in the war, and condemning also the Emancipation Proclamation. These resolutions wound up by stating:

Resolved, that while we condemn and denounce the flagrant and monstrous usurpations of the administration, and encroachments of abolitionism, we equally condemn and denounce the ruinous heresy of secession, as unwar-



GRANT'S HOME BEFORE THE WAR, GALENA

rantable by the Constitution and destructive alike of the security and perpetuity of our Government, and the peace and liberty of the people.

This same Legislature even went so far as to attempt to resolve that Congress and the President and the governor of the several states be memorialized to take action to secure an armistice, and a conference looking toward permanent peace and to

have appointed several gentlemen to act on such a commission from Illinois.

The resolutions were passed in the House by a vote of fifty-two yeas to twenty-eight nays. In the Senate, however, the armistice resolutions failed to receive a majority vote, the vote standing twelve to twelve, the lieutenant-governor voting against the resolutions.

During all this time, however, President Lincoln had been subjected to great pressure in favor of the issuance of a Proclamation Emancipation. Prior to his inauguration and in his inaugural address he had declared he had no purpose to interfere with slavery where it existed. In the winter of 1861-62, however, President Lincoln changed his mind on this subject. Senator Charles Sumner, Carl Schurz and other prominent Republicans kept constantly advising the President to emancipate the slaves.

In the summer of 1862 General McClellan was carrying on a campaign for the capture of Richmond. In the fall of that year General Lee moved north into Maryland and was pursued by McClellan. Mr. Lincoln had promised some of his friends that if Lee were driven back out of Maryland he would issue the Emancipation Proclamation. The battle of Antietam was fought on September 17, 1862. Whereupon, on the 23rd of the same month President Lincoln issued a warning to the states in rebellion, that on January 1, 1863, he would proclaim the freedom of the slaves in all states or parts of states that were in rebellion against the authority of the United States.

The issuing of the proclamation had a depressing effect upon the country at large. Stocks in the stock exchanges fell in price. The enlistments of soldiers were lessened and five loyal Northern States went Democratic—Indiana, Illinois, Ohio, Pennsylvania and New York.

It was rumored the end of 1862 that the President would withdraw the promised Emancipation Proclamation. On December 30th there was a cabinet meeting. President Lincoln had already drawn up his proclamation. He gave a copy of the same to each of his cabinet and suggested that they meet on the following day for final action. At three in the afternoon on

January 1, 1863, Mr. Lincoln signed and issued the Proclamation Emancipation which broke the fetters upon three million bondsmen.

The military record of the State of Illinois during the Civil war was magnificent. The State sent the total of 211 separate organizations to the front, 161 of these were infantry, 17 were cavalry, 24 of them were artillery and 9 were independent batteries. The Illinois infantry numbered 185,941. The cavalry 32,082, and the artillery 7,277.

The first six regiments to volunteer were commanded as follows: (It was agreed between the State and the General Government that the numbers of the first six regiments of the Illinois troops be reserved for those who had served in the Mexican war.)

The Seventh. Colonel, John Cook; lieutenant-colonel, Wilford D. Wyatt; major, Nicholas Greusel.

The Eighth. Colonel, Richard J. Oglesby, afterwards governor of Illinois and United States senator; lieutenant-colonel, Frank L. Rhodes; major, John P. Post.

The Ninth. Colonel, Eleazer A. Paine; lieutenant-colonel, Augustus Mersey; major, Jesse J. Phillips.

The Tenth. Colonel, Benjamin M. Prentiss; lieutenant-colonel, James D. Morgan; major, Charles H. Adams.

The Eleventh. Colonel, W. H. L. Wallace; lieutenant-colonel, J. Warren Filler; major, Thomas E. Ransom.

The Twelfth. Colonel, John McArthur; lieutenant-colonel, August L. Chetlain; major, William D. Williams.

During this great war Illinois had the distinction not only of having at all times furnished troops in excess of the quota called upon from that state, but gave to the nation and to the leadership in that great war, not only the presidency in the person of Abraham Lincoln, but the commander-in-chief of all of the Union forces at the time of the collapse of the rebellion—U. S. Grant, lieutenant-general of the United States. Among others who went to the front and served as soldiers from the State of Illinois were Maj.-Gen. John A. Logan, Richard J. Oglesby, John M. Palmer, James D. Morgan, W. H. L. Wallace,

Michael K. Lawler, Napoleon B. Buford, Dr. John Logan, Charles E. Hovey, William P. Carlin, W. P. Morrison, and many others.

John A. Logan had been up to the battle of Bull Run rather lukewarm in advocating the prosecution of the war. He was an uncompromising Democrat and was suspected of having pro-slavery sentiments. He had served as a Democrat in the Legislature of Illinois and was elected to Congress by the Democrats in Southern Illinois in 1858 and 1860. While attending the special session of Congress in 1861, he visited the battlefield of Bull Run and made up his mind not to be content with talking against secession, but to fight it with fire and sword. When Congress adjourned, in August, 1861, he returned to his home at Marion, Illinois, and called a meeting of his neighbors, nearly all of whom were southern sympathizers. Jumping on to a wagon, he addressed the crowd, announcing his determination to offer his services as a soldier to President Lincoln to help him put down the Rebellion. At first he was greeted with hoots and jeers, but before he had finished he had organized a company of 100 men, under Capt. William A. Rooney, to fight for the Union. The company, with a fife and drum, and the Stars and Stripes at its head, followed Logan from the meeting, and as Company C was soon thereafter incorporated into the Thirty-first Regiment of Illinois Volunteers.

The vigorous and effective action of John A. Logan, the most prominent Democrat in Southern Illinois, saved that section of the state from disloyalty. Logan rose rapidly as a soldier and was a major-general at the close of the war. Ever thereafter he voted and acted with the Republican party and afterwards was its nominee for the vice presidency of the United States. Logan's vigorous and patriotic action at that momentous time (1861) and place was one of the highest importance. That portion of the state had been populated almost exclusively by settlers from Kentucky, Tennessee, Virginia and other slave states, and when war broke out their sympathies were overwhelmingly with their old friends and neighbors in the South. Notwithstanding the vigorous and patriotic advice given them by Douglas, John A. McClernand and other Democratic leaders, local sentiment in Southern Illinois was still strongly with the rebels of the South-

land. Logan was an Egyptian (as the dwellers of that section were called), was a native of Southern Illinois, a dyed-in-the-wool Democrat, and loved and admired by all of his neighbors. When he placed the brand of traitor upon those who were in arms against the President of the United States and Congress, and announced that he was ready to risk his life upon the battlefield to suppress their treason, to the nation, it had a tremendous effect upon the people of Southern Illinois. Sympathy for their southern friends gave way before loyalty to their country. Friendship, they concluded, must not go so far as to become treason. Thousands of the Egyptians of Southern Illinois followed the leadership of their friend and neighbor, John A. Logan, and joined him in the volunteer army of Illinois.

Governor Yates' call for volunteers was responded to with patriotic enthusiasm all over the state, both by the foreign-born and native-born citizens of Illinois. Those of German nativity and descent were the most numerous in population and the most numerous in enlistment. By January 1, 1862, it was estimated that 6,000 men of German birth or ancestry were mustered into service. Those of Irish ancestry and nativity were in good second place among the adopted citizenry of the state. The Irish Brigade, commanded by Col. James A. Mulligan, was quickly organized at Chicago; also Irish companies at Springfield, Rockford and Galena. The "Irish Legion" was mustered into service as the Nineteenth Infantry in the summer of 1862. The Twelfth and Sixty-fifth regiments, organized during the first two years of the war, were called the Scotch regiments because of the number of Scotchmen therein. Both the Jews and the Portuguese raised companies that responded to the call for volunteers.

Nor were the women of Illinois idle in this crisis. Women's societies were organized by 1863 throughout the state for the making of flags, clothing for the soldiers, hospital supplies, and for the support of the wives and children of the enlisted men. Soldiers relief concerts, socials and theatricals were utilized to raise money, and subscriptions were solicited for the relief and comfort of the soldiers and dependents. Governor Yates not only led in all movements for enlistment of troops, but in those



GENERAL U. S. GRANT

which would relieve their wounds and sufferings. He urged the formation in each county of sanitary associations to provide for supplies and funds needed by the army hospitals at the front and at home in the state. Late in 1864, after the severe fighting at Fort Donelson, Pittsburg Landing, Vicksburg and Chattanooga, in all of which the Illinois troops had played a glorious and bloody part, there were in the hospitals south of Chattanooga 3,400 sick or wounded Illinois soldiers; in Chattanooga hospital, 1,500; in Louisville, 700, and in Nashville, 1,000. At the same time, under the sod there slept 5,857 Illinois soldiers who were killed in battle, 3,051 who had died from their wounds, and 19,934 who had died from the ravages of disease. Not only did Illinois send her sons by the thousands to meet death and mutilation on Southern battlefields, but she had a very important and vital duty to perform at home. At the outbreak of the war, rebellion was rampant on her own borders and serious disaffection in her own southern territory.

The very first thing that the energetic "War Governor" was called upon to do after his inauguration, was to garrison and hold Cairo, the most southerly city in the state, to prevent invasion of the state by the rebels in Kentucky and Missouri, and to overawe sympathy for the South in the southern counties of Illinois. Illinois had to send her troops under her great soldier, U. S. Grant, into Missouri to choke down secession in that state. After rendering this efficient service in Missouri, Grant and his Illinois garrison at Cairo were compelled to take possession of and hold Paducah, in Kentucky, to prevent the advance of the rebels in that state into Illinois.

Among the battles in which the Illinois troops took part in the Civil war were: Fort Henry, Fort Donelson, Belmont, Shiloh, Corinth, Vicksburg, Missionary Ridge, Chickamauga, Murfreesboro, Chattanooga and Sherman's march to the sea. The Civil war developed into one that was the bloodiest and most destructive civil war in history. Like all civil wars, it created among non-combatants of the same flesh and blood and nationality intense animosities. Its origin was the assertion by eleven states of their alleged right to secede from a confederation or union of thirty states. The contention of the South was that

the United States was a confederation of sovereign states, from which any one or more of the sovereign political entities could withdraw upon fair and reasonable notice. The contention of the North was that the Constitution of the United States of 1787 created a nation and not a confederation of states; that each state was a component part of the nation and could not sever itself from the main *corpus* of the state in any lawful manner. Strange to say, the Constitution of the United States in no place mentions the United States as a nation, and where it refers to the states, it always uses the plural noun.

At and before the commencement of the war, neither the Republican party nor any other party, had declared for the emancipation of the slaves in the Southern states. No statesman in the Union had been more careful in conceding to the slaveholding states the legal right to maintain human slavery within the confines of their states and their legal right to recover their slaves if they fled to free-soil territory, than Abraham Lincoln. Up to the day of his inauguration as President and for some considerable time thereafter he had publicly disavowed the right of the republic to emancipate the slaves in the Southern states. When the Southern states began to pass ordinances of secession, some of the most rabid abolitionists in the North, such as Wendell Phillips and Horace Greeley, at first were inclined to let the "erring Southern sisters go in peace." But when there was a clash of arms and bloody corpses began to strew the battlefields, the temper of the combatants and non-combatants began to rise. While the war remained a war "to put down the rebellion" and to "save the nation," public sentiment in the North both among the Democrats as well as among the Republicans was overwhelmingly with Lincoln and his administration. As the war progressed, however, and the South triumphed at Bull Run and began to menace Washington, the radical Republicans with abolition proclivities began to press Lincoln for sterner measures against the belligerent rebels. Their principal wealth and strength, they urged upon Lincoln, lay in their cotton and slaves. Emancipate their slaves and their cotton ceases to grow and they will be impoverished and incapable of longer maintaining their rebel armies. Sumner, Trum-

bull and other ardent foes of slavery besieged him daily demanding emancipation. The cautious, careful Lincoln, with his old-time prudence and deliberation, for some time made no move. His old-time friends and admirers, such as Trumbull; his confidant and business partner, Herndon; the *Chicago Tribune* and other men and papers who had been his backers, became impatient and critical in their comments upon his course and his manner of prosecuting the war.

Gen. John C. Fremont, who had been commissioned by Lincoln to prosecute the war and suppress the rebellion in Missouri, in September, 1861, without authority from the President and upon his own initiative, issued a military proclamation in that state, emancipating and confiscating all the slaves belonging to the rebel planters in his military district. This daring and unauthorized act of a subordinate military leader was received by the radical abolitionists in the Republican party with an outburst of approbation and applause. Lincoln promptly disavowed the proclamation and ordered it revoked. This filled the abolitionists and many of Lincoln's most ardent friends with rage, and provoked much adverse and bitter comment. He was rapidly falling in the estimation of the great leaders of his party in Illinois. This, however, did not seem to disconcert Lincoln. His recall of Fremont's proclamation was part of a policy which he was then carrying out of preserving loyalty to the Union in the border states of Missouri, Tennessee, Kentucky and Maryland. He believed at that juncture, that emancipation of the slaves without compensation might drive one, more or all of these border states into the arms of rebellion. The time had not come, in the opinion of Lincoln, for the taking of this drastic action. The South was more than holding its own in the bloody conflict of the war, and the loyalty of the border states was in the balance. He concluded that emancipation as an act of war, must wait for a more propitious moment.

Lincoln's message to Congress, December 3, 1861, failed to declare for emancipation, but rather timidly suggested that the *states* might be allowed to confiscate the property of rebels. Impatient over Lincoln's procrastination and indecision, Senator Trumbull started a fight to extend freedom to all slaves belong-

ing to all persons resisting the Union. The great majority of the Republican voters of Illinois ranged themselves behind Trumbull in this fight. The Democratic papers sought to rally the voters against Trumbull and Senator Sumner, who was aiding Trumbull in his struggle for emancipation, on the ground that emancipation would change the character of the war from one to preserve the Union to a fight for the confiscation of property rights secured by the Constitution.

On March 6, 1862, however, Lincoln took one step forward towards emancipation by recommending in a message to Congress compensatory emancipation for the slaves in the border states. He secured from that body a joint resolution along the lines of that recommendation and thereby partially restored a little confidence in him among his radical friends. Soon thereafter Lincoln took another step towards emancipation when he agreed to the abolition of slavery in the District of Columbia and in the territories. In this latter case, however, he insisted upon compensation to the owners, which nettled and annoyed the extreme abolition Republicans. Governor Yates of Illinois, Editor Greeley of New York, his old partner, Herndon, and others kept pressing him towards total emancipation. A delegation representing a large mass meeting at Chicago called upon him in September, 1862, and urged him to act promptly and issue a proclamation of emancipation. Lincoln's inaction was creating demoralization in the Republican party. The radical abolitionists in it were denouncing him for his hesitancy and caution. The conservative Republicans became alarmed over his steps towards emancipation. The war was not going as well as it was hoped it would. Lincoln's generals were being criticized. Even General Grant did not escape. His habits, it was claimed, were too bibulous in the field.

Lincoln, however, with all his caution and care, finally reached the conclusion that emancipation *as a war measure to cripple the enemy* was necessary; but that it should not be used until the border states had been nursed into loyalty and until a victory for the Union arms could accompany the proclamation and throw consternation into the rebel ranks. This opportunity came September 17, 1862, when McClellan and the Union

forces fought the battle of Antietam, the result of which compelled Gen. Robert E. Lee and his Confederate army to retire from the State of Maryland, which they had invaded, and scurry back to Virginia. Shortly before the battle of Antietam Lincoln, in answering Greeley's criticism of his dilatory conduct, wrote in an open letter to Greeley: "My permanent object in this struggle is to save the Union, and is not either to save or destroy slavery. If I could save the Union without freeing any slave I would do it; and if I could save it by freeing all the slaves I would do it."

On September 22, however, Lincoln determined the time had come for action on emancipation. On that day, after consultation with his cabinet, and after all the members of that cabinet excepting Mr. Blair, of Maryland, postmaster-general, had approved his course, he issued his preliminary proclamation of emancipation. In substance it announced that on January 1, 1863, all persons held as slaves in any state or part thereof in which the people were engaged in rebellion, should thenceforward and forever be free, and that the President of the United States would recognize and maintain the freedom of such persons. The proclamation was, in view of Lincoln's past utterances on the subject of slavery, a matter of surprise to all except Lincoln's cabinet and intimates. It was received by the public with mingled and antagonistic feelings of approval and condemnation. The radical abolitionists were overjoyed, but many conservative Republicans doubted its wisdom and expediency. It was vigorously denounced by most of the Northern Democrats, as changing the whole character of the war, making it a war not for the preservation of the Union, but a war against slavery without compensation to the owners, a war of confiscation of property and in violation of the Federal Constitution. General McClellan declared that self-respect required that he should throw up his commission. Many citizens reminded the President of what he had himself said in his inaugural address. They pointed out that in that solemn declaration he, Lincoln, had declared he had no inclination or power to interfere with slavery. That many Republicans disapproved of the proclamation is shown by the fact that the Democrats, at the first elec-

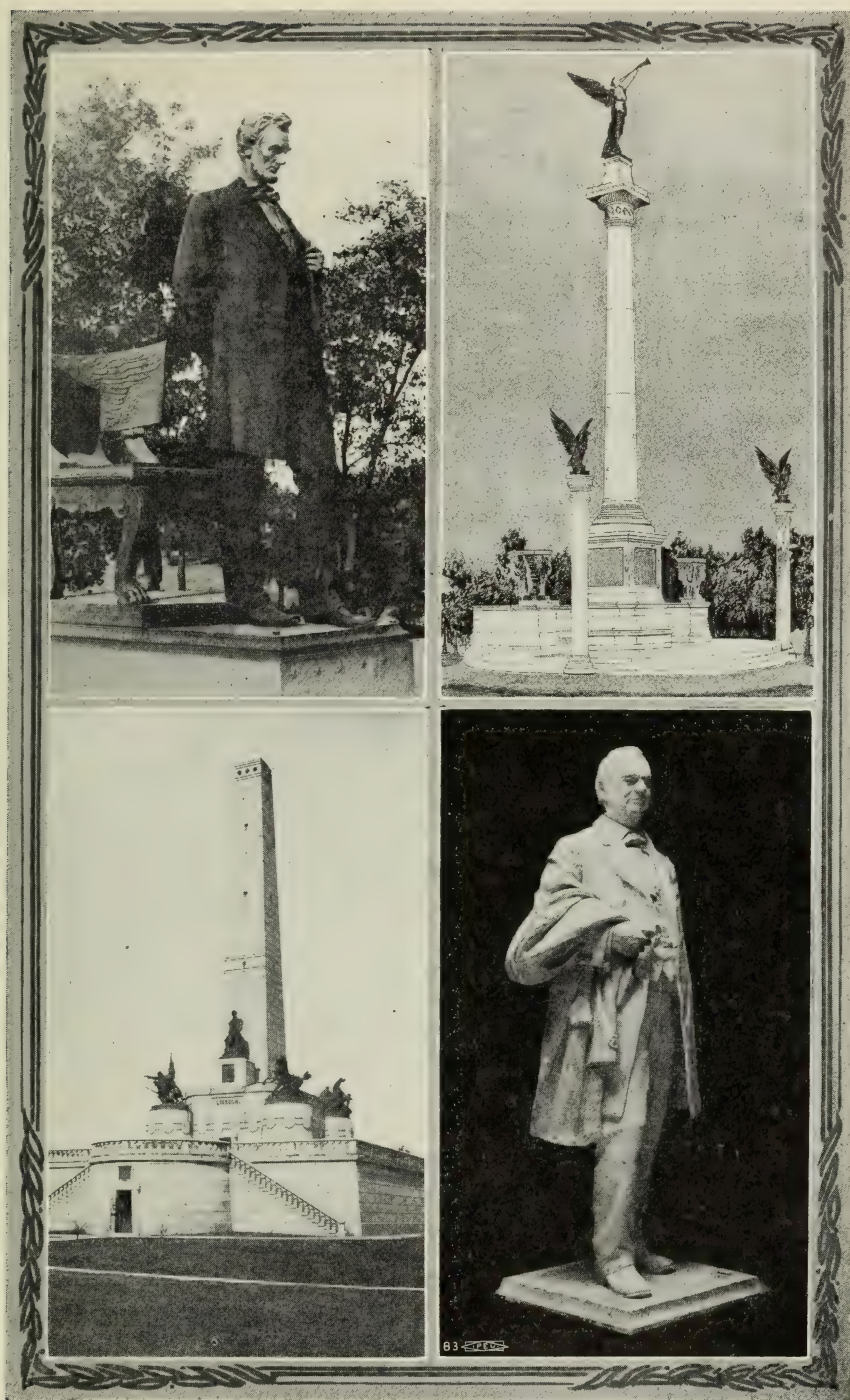
tion held thereafter were able to elect their tickets in at least five powerful and loyal states and increase their membership in Congress from forty-four to seventy-five, and to elect governors in the important states of New York and New Jersey.

Lincoln's expectation was that the result of his proclamation would be favorably disclosed by the vote at the November election of 1862. He was badly disappointed. Not only did New York and New Jersey and other loyal states go Democratic and the Democratic representatives in Congress increase in number, but his own State of Illinois went overwhelmingly Democratic. The Democratic state ticket was elected by 14,000 majority, the State Legislature remained overwhelmingly Democratic and the Democrats elected James C. Allen, their candidate for congressman-at-large, and eight out of the thirteen district congressmen. The election assured the election of a Democrat to the United States Senate to succeed Browning, the Republican incumbent. The Republican party in Illinois was in a weak and demoralized condition during the year 1863. Under the virile leadership of War Governor Yates in Springfield, and under the high moral and intellectual leadership of Trumbull in the United States Senate, Illinois had nobly responded to the call of the nation to "put down the rebellion and save the Union." Democrats as well as Republicans, the foreign-born as well as the native-born, had cheerfully, aye enthusiastically, enrolled as soldiers and offered their lives to save the nation from dissolution. Its Legislature, Democratic as well as Republican, had appropriated most generously for the Union cause. All this had been done while the war was prosecuted to suppress rebellion and to save the Union. Now it appeared from the President's emancipation proclamation, to most Democrats and many Republicans in the state, the war was being waged for the confiscation of property rights secured by the Constitution, without compensation, in violation of the fundamental law of the nation. Even among the Republicans who voted the Republican ticket in the fall of 1862 there was much dissatisfaction. Governor Yates, much distressed over Lincoln's dilatory course and conduct of the war, began to question Lincoln's ability to win the war. Trumbull had no hesitancy in publicly declaring that the administration

was incompetent. Much of this feeling of dissatisfaction was, however, allayed by the victories of the Union forces at Gettysburg and Vicksburg, in July, 1863. Were it not for these great successes in the field, Republican demoralization in Illinois would have been complete. In 1863 the Democrats in Illinois elected Congressman William A. Richardson to the United States Senate over Richard Yates, the war governor. During this same year party feeling and party measures assumed dangerous aspects.

Those officials who supported the administration after the emancipation proclamation began to act in a high-handed, arbitrary and illegal manner. The Democrats, being in control of the Legislature, attempted to pass resolutions denouncing the policy of the Federal administration and favoring an armistice and the holding of a national convention at Louisville and the appointment of six commissioners from Illinois to attend same. They carried the resolutions in the lower house, but failed to pass same in the Senate by the withdrawal of Republican members and the casting vote of the Republican lieutenant-governor on the occasion of a tie vote. The Republican filibuster continued until an agreement was reached with the Republicans that on reconvening no legislative action would be taken up except to pass apportionment and appropriation bills necessary to carry on the state government. The Legislature then met and passed the apportionment and appropriation bills and then took a recess until June.

During the recess, the governor vetoed the reapportionment bills, and when the Legislature met thereafter, the Democrats attempted to pass them over the governor's veto and to enact a *habeas corpus* law which would prevent illegal arrests and other measures which they deemed necessary for the public safety. Governor Yates thereupon illegally attempted to end the session by proroguing the Legislature, the first time such a proceeding was attempted in Illinois. The Democrats refused to recognize his authority to prorogue, met in session, drew up a formal protest and signed same, and remained in session for two weeks thereafter in spite of the governor's attempt to end the session.



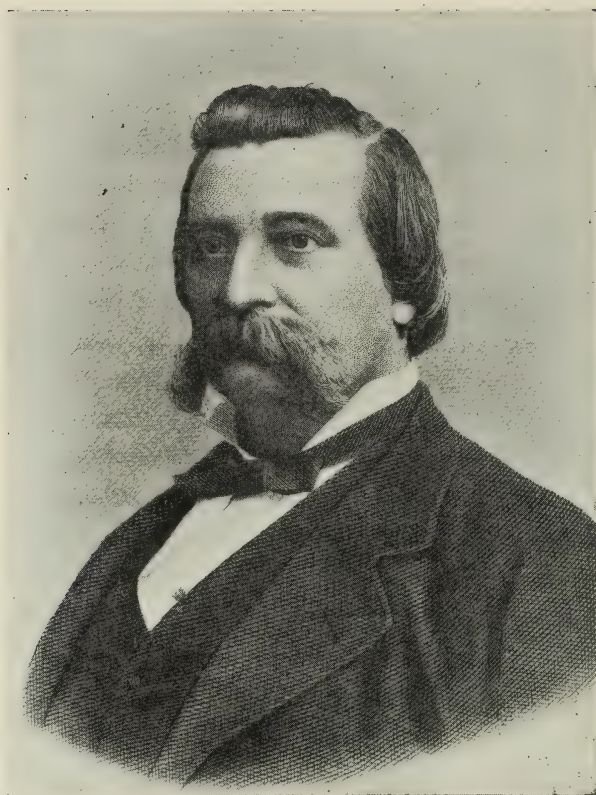
ILLINOIS MONUMENTS

During the year 1863 the antagonism between those who favored the ruthless prosecution of the war and confiscation of Southern property, and those who opposed the same, rose to fever heat. The civil and military appointees of the administration resorted to the most violent illegal and unconstitutional methods to suppress the freedom of speech and press, guaranteed by the laws and Constitution. Arbitrary arrests and confinement without trial were made by provost marshals and military commanders, of those who opposed by speech or publication the emancipation of slaves or the methods pursued by the administration in the prosecution of the war. A Democrat who did not openly and actively support the administration and its prosecution of the war was denounced as a "copperhead" and "traitor." The wholesale arbitrary arrests became so numerous, offensive and unjust that even Senator Trumbull and General Palmer were compelled to protest. Reputable citizens, guiltless of any treasonable word or act were arrested, locked up and denied trial. Such men as Judge John H. Mulkey, Judge C. H. Constable, Judge Andrew J. Duff, Congressman W. J. Allen, State Senator W. H. Green, Levi D. Boone, M. T. Johnson and David Sheean were among the number. Many of them were honorably discharged after long confinement, but of course without compensation or apology. None of them were ever found guilty of any criminal offense.

Newspapers were arbitrarily suppressed because they criticized the conduct of the administration, among them the *Peoria Democrat* and the *Quincy Herald*. The editors and publishers of the *Paris Democratic Standard* were arrested, thus causing the suspension of that paper, and the *Bloomington Times* was destroyed by a Republican mob. General Hurlbut and other post commanders forbade the circulation of the *Chicago Times* within their jurisdiction; and finally, without even waiting to confer with the War Department, General Burnside, commanding the Department of the Northwest, issued General Order 84, proclaiming suppression of the *Chicago Times* and *Jonesboro Gazette*, and placed armed soldiers June 3, 1863, in the office and printing room of the *Chicago Times*. Within a few hours thereafter, prominent citizens of Chicago, of both political parties,

assembled at a meeting presided over by the mayor and requested by telegraph the President to revoke the Burnside order. Senator Trumbull and Congressman I. N. Arnold of the Chicago district both made the same request of the President. That same evening 20,000 citizens of Chicago met and resolved that freedom of speech and press should be upheld and that the military power must be subordinated to the civil authority. The President wisely responded to the pressure of public opinion and revoked Burnside's tyrannical order. The circulation of the *Chicago Times* increased enormously thereafter.

Up to the time the emancipation proclamation was issued, the enlistment in Illinois far exceeded the quota allotted to Illinois in the President's call for troops, and the draft, or conscription, was not therefore put into force. After the issuance of the emancipation proclamation, however, volunteer enlistments began to slacken up. Two years of sanguinary warfare had failed to suppress the formidable rebellion, and notwithstanding the enormous enlistments theretofore made, more recruits were required to fill the ranks depleted by the bloody battles in the South. The war was becoming unpopular with many for two reasons: first, because of its appalling loss of life and inconclusive character; and second, because in the opinion of many it had changed from a war for the preservation of the nation to one of confiscation of property rights protected by the Constitution. Many Democrats made such criticisms of the war openly and because they did they were called "copperheads" and "traitors" and locked up by military orders. Civil wars are always intensely bitter and murderous and this was a civil war and no exception to the general rule. In peaceful civil communities, far remote from the scene of warfare, the *habeas corpus* act was suspended and the right of trial by jury was flouted and ignored by civil and military officials without any legislative authority for so doing. Enraged Democrats and those opposed to the war as then conducted often used language that was violent, provoking and unparliamentary. Violent mobs on both sides of the controversy worked vengeance and hatred upon their neighbors, who did not agree with them on the issues of the day, by wrecking their properties and threatening



GENERAL JOHN A. LOGAN

their lives. These violent acts are the concomitants of all civil wars, and were of this war. Hatred, violence and illegality were in and around the citizens of Illinois in the years 1862, 1863 and 1864. President Lincoln was losing much of his Illinois popularity acquired in 1860 and 1861.

Because of the falling off of voluntary enlistments, the Federal authorities proceeded to take measures to force the draft or conscription of unwilling citizens. These proceedings provoked much resentment and opposition on the part of many persons irrespective of party. Every person who inveighed against the draft or attempted to evade it was denounced as a "copperhead." Some of the provisions of the draft law were open to just criticism, particularly the provision which enabled one citizen with money to buy a substitute and offer his hired substitute for himself when drafted, while the poor man without money was compelled to risk his life on the battlefield. Undoubtedly many men did unlawfully oppose and evade this law and many riots occurred in the effort to enforce the law. In Southern Illinois, particularly around Charleston, Jacksonville and Vandalia, and in Montgomery, Edgar and Coles counties, mobs were organized and with arms often resisted the enlistment officers in the enforcement of the draft law. Desertions from the army became quite serious in the spring of 1863. They were brought about either by the advice and help of relatives and friends of the drafted men or by anti-war sentiment that claimed the war was unjust and unholy. From June 1, to December, 1863, nearly 3,000 arrests were made for desertion. There were in all, by the end of the war, over 13,000 desertions of enlisted men from Illinois. By the end of 1863, the war as then conducted had become quite unpopular in Illinois and if President Lincoln had been a candidate for reelection in November of that year it is highly probable that he would have been beaten in his own state. All these disturbances in connection with the draft and the desertions of the soldiers were of course charged by the administration and the abolitionists to "copperheads," and all Democrats who were not openly and loudly praising the administration were called "copperheads." Undoubtedly many Democrats did criticize openly the illegal

arrests and violence committed by Government officials. Undoubtedly many Democrats did criticize the emancipation proclamation as violative of the Constitution. But the criticism was not always confined to Democrats. Conservative Republicans often did the same thing.

Quite a number of citizens who were opposed to the emancipation of the slaves in the Southern states and who were indignant of the illegal arrests and imprisonment without trial of their fellow-citizens, joined a secret organization first known as the Circle of Honor and later called the Knights of the Golden Circle. Its members were bitterly opposed to the methods of the Republican administration and in some sections of the state exercised considerable power at elections. A number of its members in Southern Illinois were arrested as Knights of the Golden Circle in 1861. Federal District Judge Samuel H. Treat thereupon appointed a commission to investigate the order and this commission reported that membership in the order did not involve treason to the United States. Another governmental investigation was made in 1862 to the same effect. That the organization existed was easily proved and that its object was the reorganization of the Democratic party was also established. But it was not established that it was organized along military lines for armed opposition to the Government. The order held a convention in August, 1863, and another in March, 1864. After the last convention the *Chicago Tribune* published the ritual of the order, but in this ritual could be found no proof of treasonable intentions.

An off-shoot or reorganization of the most radical members of this organization was formed some time early in the year 1864, which called itself the Sons of Liberty. It had its headquarters at Windsor, Canada, opposite the City of Detroit. Its leading spirits were rebel officers from the South and Clement L. Vallandigham. This organization formed the design of storming the Federal prison at Camp Douglas, Chicago, and releasing the rebel prisoners of war and others confined on suspicion of treason therein. The Federal authorities contended that the scope of the conspiracy contemplated not only the release of the prisoners in Camp Douglas, but also the release of



THE HOME OF JOHN A. LOGAN IN BENTON, FRANKLIN COUNTY

Federal prisoners in Camp Butler, near Springfield, Illinois, and other Federal prisoners in Alton and Rock Island, and with the aid of the released prisoners to put a rebel army in the field in Illinois and its adjoining states.

At and before the year 1864 the Federal prison at Camp Douglas was in a most unsanitary condition. It was located in the South Side of Chicago, in low land near Lake Michigan, and in rainy weather was little more than a great mud-hole. In February, 1863, it had a prison population of 3,884, and during that month 387 or ten per cent of these prisoners died. The wretched condition of the inmates probably is the reason that caused the Sons of Liberty to concentrate their designs on Camp Douglas. In the summer of 1864 there were about 8,000 prisoners confined in Camp Douglas. Doubtless most if not all of them would have earnestly cooperated with any movement to release them from outside the prison walls. Among these prisoners were some of Gen. John Morgan's raiders into Ohio, Texas Rangers and other rebel fighters. The Sons of Liberty conspirators held many secret meetings, collected some small amounts of fire-arms and fixed several dates for an attack upon Camp Douglas, but never succeeded in assembling enough men or muskets to make an attack. Their designs had become known to the Federal authorities and the officers guarding the camp. Brig.-Gen. B. J. Sweet, in command at Camp Douglas, asked for and received an additional regiment of troops and several pieces of artillery and remained on the *qui vive* for any trouble. The conspirators at no time succeeded in assembling sufficient men or equipment to warrant them making any attack upon the camp. Capt. T. Henry Hines, one of the leading conspirators, after the war was over stated that "a count was made of the number of the Sons of Liberty on whom we could rely, and it seemed worse than folly to attempt to use them. There were not enough to justify any movement which would commit the Northwestern people to open resistance, and not even enough to secure the release and control of the organization of the prisoners at Camp Douglas as the nucleus of an army which could give relief to the Confederacy."

Government agents had joined the order, had attended all its meetings and ostensibly had entered heartily into all its plans. No attack upon Camp Douglas was ever made, but November 7, 1864, the day before the presidential election, the provost guard and other agents of the Government arrested in their beds the following persons: Captain Cantril, Captain Traverse, Brigadier-General Walsh of the Sons of Liberty; Col. St. Leger, Count Grenfell of the rebel army; Col. W. R. Anderson, Col. J. T. Shanks, R. T. Semmes, Vincent Marmaduke, Charles T. Daniel and Buckner S. Morris. These men were afterwards tried in the Federal Court at Cincinnati. Morris and Marmaduke were acquitted. Grenfell was sentenced to be hanged, probably because he was a rebel spy caught behind the Union lines. Walsh, Semmes and Daniels were sent to the penitentiary, and but slight punishment was imposed upon the others.

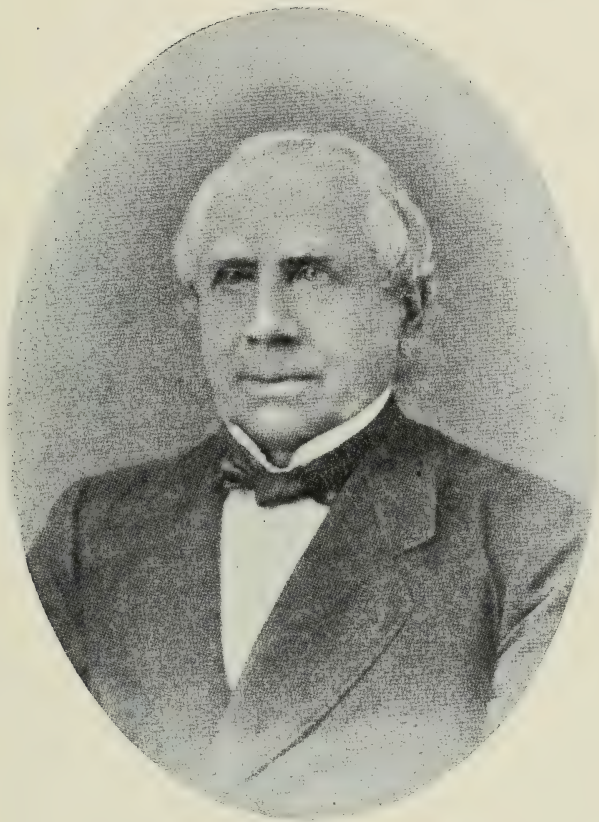
As Government agents had been attending all the meetings of the conspirators and knew the conspirators and what they were attempting to do, it is surprising to note how few were arrested and that out of the ten arrested but one was convicted of the capital crime of treason whose punishment was death. In view of the facts that no overt acts were committed by the conspirators, that only ten were arrested and only one found guilty of treason, and that the arrests were made on the day before the presidential election, a conclusion can be drawn that the conspiracy was confined to a very small and impotent number of sympathizers with the rebel prisoners and that the arrests were made on the day before the election as much for political effect upon the election, as for the purpose of suppressing a dangerous conspiracy. That there was a conspiracy to release prisoners from Camp Douglas there can be no doubt. That it was seditious and illegal is also true. But that it was composed of a very large or formidable number of men bent upon arming the prisoners and waging war upon the Union and participating in the rebellion is open to serious question. If it had been the latter sort of a conspiracy there would have been a much greater number of arrests and a more numerous number of convictions of men for treason.

CHAPTER LI

LINCOLN REELECTED PRESIDENT

The position of President Lincoln in 1863, after the issuance of his emancipation proclamation, from a political standpoint was a critical and uneasy one. His effort to carry on a successful war against a formidable foe, without resorting to confiscation of property which had been recognized and protected by the Constitution of the United States for over seventy years, had been, after mature deliberation, abandoned by him in his emancipation proclamation. His justification therefor, of course, was that it was a military necessity, that the enemy was threatening the life of the nation, and that the freeing of the slaves would deprive the enemy not only of property of immense value, but would prevent them planting and harvesting their cotton fields, which was their chief source of income. His method of emancipation infuriated his Southern enemies and at the same time displeased many of his former friends and supporters in the North. His halting and timid steps in favoring abolition of slavery in the District of Columbia with compensation to owners, and abolition in the territories with like compensation, and the tardiness of the issuance of the final emancipation proclamation, angered and provoked his abolition friends in the North. They charged him with irresolution and incompetency in the prosecution of the war. Aside from the offense he gave both to the radical pro-slavery men and the anti-slavery men, he had shocked and offended a large number of sane and conservative citizens by permitting his appointees and subordinates to violate the Constitution in other ways.

Without legislative authorization and without precedent in the Republic, he had suspended the most sacred writ known to American law—the writ of *habeas corpus*, and allowed arbitrary



COL. GUSTAVUS KOERNER OF BELLEVILLE

Profound lawyer and jurist, Republican leader among Illinois Germans.

arrests to be made by the members of his own cabinet. In localities far removed from the scene of actual warfare, his appointees had muzzled the press and choked free speech at the point of the bayonet. By his emancipation proclamation he had attempted by executive fiat, to destroy property rights, secured and protected by the Constitution, belonging to private citizens, amounting to many hundred millions of dollars. Some of his most active supporters like Senator Trumbull and Gen. John M. Palmer openly denounced the arrest of citizens by his appointees made without legal warrant. Even Governor Yates of Illinois, and many of the Republican leaders of Congress were free in their violent criticism of the President. Trumbull is quoted as having written from Washington in February, 1864, that there was "a distrust and fear that he (Lincoln) is too undecided and inefficient to put down the rebellion."

Even in the cabinet there was distrust, opposition and rivalry. Despite all these grumblings and dissatisfaction in the Republican party, it was not in the position to throw Lincoln overboard after he had gone to the limit of the radical Republican demands. To have "swapped horses while crossing the stream," to use Lincoln's own homely allegory, would have been suicidal. Despite the loss of confidence in his ability and popularity among many in his own party, it was good policy and good political sagacity to renominate him as the most responsible and typical leader of those who favored both the unconditional and immediate abolition of slavery and war to a finish.

Notwithstanding that a coterie of prominent Republican senators and congressmen issued a political manifesto placing responsibility for the failure to suppress the rebellion upon Lincoln's shoulders, and declaring that the people had lost confidence in him, and that in the Illinois Republican state convention a bitter fight was made upon him, on May 25, 1864, he was finally renominated by acclamation but without enthusiasm in the National Republican Convention held at Baltimore in June, 1864. Before this, however, the disgruntled Republicans who were opposed to Lincoln had called a convention to meet at Cleveland one week before the regular National Republican Convention. Those who attended the Cleveland convention, many

of whom were German-American citizens and ardent abolitionists, placed in nomination for the presidency John C. Fremont, and Gen. John Cochrane for vice president as the real Republican champions of human freedom and the organizers of victory. Thus the Republican party entered upon its presidential campaign in June, 1864, amidst divided councils, two tickets in the field, bitter recriminations between the factions and widespread criticism and abuse of its great leader, Abraham Lincoln.

During the summer months neither on land or sea was the war being prosecuted with success. Grant, because of his victories during the preceding years at Forts Henry and Donelson, Vicksburg and Missionary Ridge, in contrast with the indecisive campaigns of the Eastern commanders around Washington, was promoted by Lincoln to the position of lieutenant-general and given complete control of all of the Union armies in the field in March, 1864. Full responsibilities and authority were placed upon his shoulders by the anxious and wearied President. Grant promptly selected General Sherman to lead the Western armies in the invasion of Georgia from Chattanooga to Atlanta and thence to the sea. Grant himself, at the head of a magnificent army of 122,000 men, mostly seasoned veterans, on May 4, 1864, crossed the Rapidan and engaged Gen. Robert E. Lee, commanding a rebel army of about 61,000 men, in the battles of the Wilderness. During the months of May, June and July, neither Grant nor Sherman were able to announce a victory on the battlefield. Grant had engaged the enemy in the Wilderness at Spottsylvania and Cold Harbor at frightful cost to human life, but Lee still maintained his much smaller army in battle array, half famished and in rags, between Grant's army and Richmond. In these battles between the forces of Grant and Lee, the Federal army lost 55,000 men. Up to about the end of July neither Sherman nor Grant had won a battle.

During these gloomy months of May, June and July, the people in the Northern states could see no end to the terrific slaughter and epidemic, which had wrought woe and sorrow to hundreds of thousands of northern homes, and provost-marshal were raiding these homes for more cannon-fodder. The trucu-

lent cry for "war and still more war" was weakening and many of the most patriotic men in the community were joining the women and children in their cry for peace. Even Wendell Phillips declared that all civil wars were ended by compromise. Horace Greeley favored a move to bring about some kind of a compromise with the South. It is claimed, probably falsely, that the Republican national committee about this time notified Lincoln of his probable defeat and that Lincoln promised in answer that "he would cooperate with the President-elect so as to save the Union between the election and the inauguration."

Because of the widespread demand for peace voiced by nine-tenths of the people, Greeley induced Lincoln to sanction informal conferences with Confederate agents. His ultimatum as to conditions were so exacting that they were promptly rejected by the Southerners. His course in this matter was bitterly criticized by the *Chicago Times*, July 25, 1864. The editor wrote that the "administration had been offered peace and the Union had rejected the offer. It demands the wealth and lives of our people to prosecute a crusade against an institution whose rights are guaranteed by the law." In August, 1864, mass meetings for peace were being called in Illinois and elsewhere throughout the Union. In that month, however, a flash of lightning from the Gulf of Mexico illumined the gloom in the Northern states. On August 5, Admiral Farragut with a flotilla of Federal warships entered Mobile Bay, eluded the outlying forts and entered Mobile harbor. During the month the fleet kept bombarding the city and forts and by the end of the month the forts were compelled to surrender and the city was captured. This was the first important Federal victory in many months. The fall of Mobile crippled the Confederacy most seriously, as it was their most important seaport at that time. A few days afterward, September 2, the country was again electrified by the news that Sherman had driven the rebels from Atlanta and entered that city in triumph. The joyous frenzy of the North had hardly subsided when, September 19, came the glad tidings that Sheridan had swept the Shenandoah Valley and defeated the rebel General Early with great slaughter. Following the news of these tremendous successes came the news that Sherman

was marching his victorious troops from Atlanta to the sea and thence northward towards Richmond. Also the news that Grant was slowly but certainly pressing the gallant Lee against the wall of emaciation and approaching starvation near Richmond, where he could maintain his stand but for a few days longer.

To the people of the North it looked as though the Almighty, through His human instruments, Farragut, Sherman, Sheridan and Grant, had come to the assistance of Lincoln in the hour of his greatest peril, to enable him to destroy slavery and at the same time preserve the Union until it would realize its full destiny of becoming the greatest republic on earth. President Lincoln, lifted out of his despondency by these developments, issued a proclamation calling for a special day of thanksgiving to the Almighty for these victories, which was enthusiastically responded to. The end of the war was in sight and a relieved and overjoyed people rallied to the polls and returned the man who in history had earned the title of "the Great Emancipator" to the presidency.

The Democrats, in the midst of the depression and desire for peace, had met August 29 and adopted a platform declaring the war to be a failure and nominated Gen. George B. McClellan, who disagreed with the platform and expressed his disagreement in an open letter in which he declared himself unconditionally for the Union even to the extent of coercing the Southern states. Upon the announcement of repeated Union victories it became apparent that the Republicans could and would win if the dissension in the party could be quelled and only one Republican ticket be presented to the voters. The election of Fremont was hopeless. He readily acknowledged it. By the use of some skilful tact and diplomacy he was induced to withdraw for the success of the Republican ticket. He, however, ungraciously incorporated into his letter of withdrawal the bitter statement: "In respect to Mr. Lincoln, I continue to hold exactly the sentiments contained in my letter of acceptance. I consider that his administration has been politically, militarily and financially a failure, and that its necessary continuance is a cause of regret for the country."

To the Democrats in convention early in August, 1864, and to many thousands of Republicans, the war at that time did appear to be a failure, but as the Union victories began to roll in during the latter part of that month and in September and October, the war rapidly changed its aspect and by the time the people were called upon in November to cast their votes for President and vice president it had become, from a war of failure, a war of victory, and rebellion was on its last legs. Farragut, Sheridan, Sherman and Grant had saved the Republican party and rescued it from the jaws of death. Abraham Lincoln was triumphantly reelected President and Andrew Johnson elected vice president by imposing majorities, the Union saved and slavery put to death.

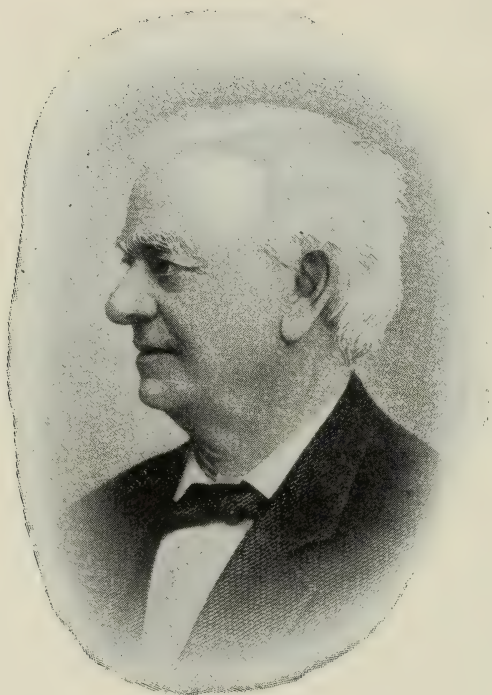
CHAPTER LII

ADMINISTRATION OF GOVERNOR OGLESBY

In the presidential and gubernatorial election of November, 1864, Gen. Richard J. Oglesby, who had been wounded in battle and distinguished himself at Fort Donelson and Corinth, was swept into the office of governor of Illinois by the same overwhelming Republican vote that had reelected Abraham Lincoln to the Presidency. Among the first bills passed by the Legislature under his incumbency was the one ratifying the thirteenth Constitutional amendment giving civic rights to the freedmen, and another repealing the infamous black laws against the negroes which had disgraced the state from the time of its admission to the Union.

Illinois had the distinction of being the first state in the Union to ratify the thirteenth amendment. To strengthen the power of the Republican party in the state, within a short time thereafter they gave the negro the same voting franchise that the white man hitherto had enjoyed exclusively. This Legislature also gerrymandered the state by a new reapportionment bill which entrenched for several decades the Republicans safely in the Legislature and in Congress.

Under the old Constitution of 1848, the Legislature had the power to pass private bills creating corporations with unlimited power, and granting special privileges of enormous value to individuals, as well as private corporations. The Legislature of 1865 and 1867 became notorious throughout the state for the gross abuse of this power. Both Democratic and Republican newspapers at the time charged that 899 of such bills were passed by fraud, corruption and bribery. No pretence of decent investigation was made. Bills were rushed through the legislative machinery in batches or incorporated into an omnibus



R. J. Oglesby

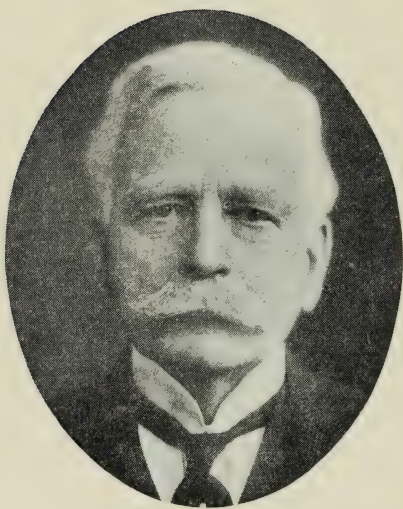
GOVERNOR 1865-69

(Courtesy Illinois State Historical Library.)

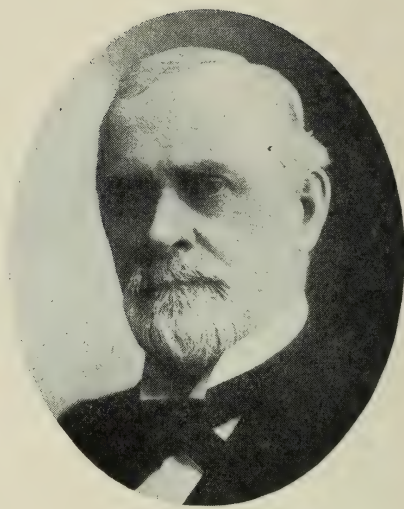
bill containing many items. It is said that 312 such items were contained in one omnibus bill. So scandalous and corrupt was this Legislature that an outcry arose over the whole state demanding a new constitution which would prevent the further continuation of this infamy. Governor Oglesby vetoed bills by the score, but they were so numerous and passed so expeditiously, that his vetoes could not keep pace with the legislative grind. In addition to the passage of this enormous mass of private bills, the Legislature promptly overruled many of the governor's vetoes and enacted laws for the new penitentiary in the southern part of the state, for the erection of a new \$3,000,000 statehouse at Springfield, and for the location of an industrial university. The erection of these buildings, it was claimed, would cost the state about \$12,000,000 and enrich a few pet corporations and contractors. This Legislature was properly described at the time as "the most disgraceful legislative body that ever convened in the state." The record of this session and the following session of the Legislature hurried the demand of the people for a new constitution. That demand enforced in 1869 the submission to the people of Illinois of the question as to whether or not they wanted a new constitution. The people promptly voted for a new constitutional convention to put a stop to further legislative debauchery.

Under Governor Oglesby's first administration, General Grant's Union troops entered Richmond, April 3, and within a week thereafter Lee surrendered at Appomattox. The cheers which these great announcements called forth had hardly died away when the tragic news reached Illinois that the greatest and noblest of her sons, at the moment of his triumph, was called upon to give his life in consecration of the holy cause of human liberty. This was the consummating climax of Illinois' contribution to the noble cause. She had led all the states of the Union in exceeding her quota of volunteers. She had furnished the winning commander-in-chief of the Union armies, and now she gave the life of her greatest and most-beloved son, just as his fight for human freedom was about to triumph.

Governor Oglesby made a most efficient record as governor in strong contrast to that of the Legislature during his term of



MARSHALL FIELD



POTTER PALMER

Pioneer State Street merchants, Chicago.

office and succeeded in reducing the state's indebtedness from over \$11,000,000 to about \$6,000,000. Governor Oglesby, while governor, made a demand for the impeachment of President Johnson, which probably made him some enemies in his own party. He was not renominated in 1868 but was renominated in 1872 and elected governor a second time and while governor was elected to the United States Senate. His family, consisting of his widow, a gracious and refined lady, and his two sons and daughter, still resided on the beautiful estate at Elkhart, near Springfield, while I was governor, and were very generous in the hospitality they extended towards my family and their many other friends. His son, Hon. John G. Oglesby, was afterwards elected lieutenant-governor of Illinois and served his state efficiently in that position. In 1884 Richard J. Oglesby was again elected governor of Illinois and served in that capacity from 1885 until 1889, being the only governor of Illinois who has had the distinction of being three times elected to that honorable position.

CHAPTER LIII

GEN. JOHN M. PALMER ELECTED GOVERNOR

In 1868 Gen. John M. Palmer was elected governor of Illinois on the Republican ticket over John R. Eden, the Democratic candidate, by a majority of about 50,000.

Until the Kansas-Nebraska excitement in 1854 he had been a staunch Democrat. He was born in Kentucky, was well educated and had achieved a decided success at the bar. He had served in the Legislature as a Democrat and was recognized as one of the leaders of that party, but differed with Douglas and the Democratic program in the controversy which arose over the extension of slavery into the territories. He then helped to organize the Republican party and soon became one of its leading lights. When the Civil war broke out he accepted a commission as colonel of the Fourteenth Illinois Regiment, from Governor Yates, went to the front and was soon promoted and commissioned first as brigadier-general and then as major-general.

In his inaugural address Governor Palmer rather amazed his Republican backers by taking a firm stand for state rights. In substance he declared in his message that the best-established principles which underlie the American system of government were that the Federal Government was one of delegated and enumerated powers, and that the duty of the National Government was to refuse to exercise legislative powers which would bring it into fields of legislation which had been assumed and rightfully assumed by the states. He then asserted in his message: "The state governments are a part of the American system of government. They fill a well-defined place, and their just authority must be respected by the Federal Government."

This document was a statesmanlike, conservative statement of the needs and necessities of state government. He pointed



John M. Peenun

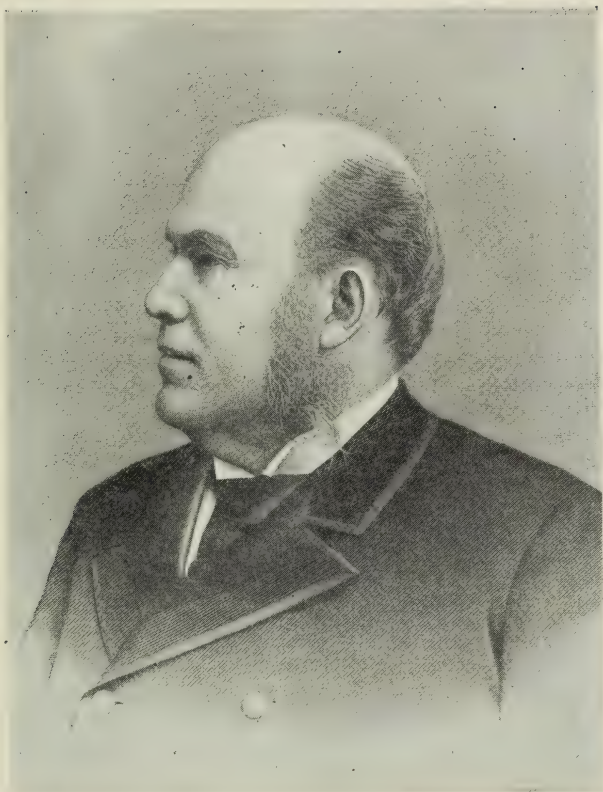
GOVERNOR 1869-73

(Courtesy Illinois State Historical Library.)

out that the war was over and that the passions of the conflict should subside, and the state authorities should concern themselves with measures adapted to the well-being of Illinois. He pointed out to the Legislature the folly of past Legislatures and the danger to the state of granting private charters to "corporations for almost every purpose clothed with powers of the most extraordinary extent." The Legislature, however, paid but little attention to his message and started out to rival if not excel the malodorous record of the preceding session of 1868. Lobbyists were on hand at the opening of the session, log-rolling bills and bills openly denounced as "steals" had been prepared, which were promptly offered by venal members and placed upon passage. About 700 acts for private corporations were jammed through the legislative mill. Shouts of bribery and corruption filled the air until the Legislature was forced to go through the form of appointing an investigating committee which turned out to be but a legislative gesture.

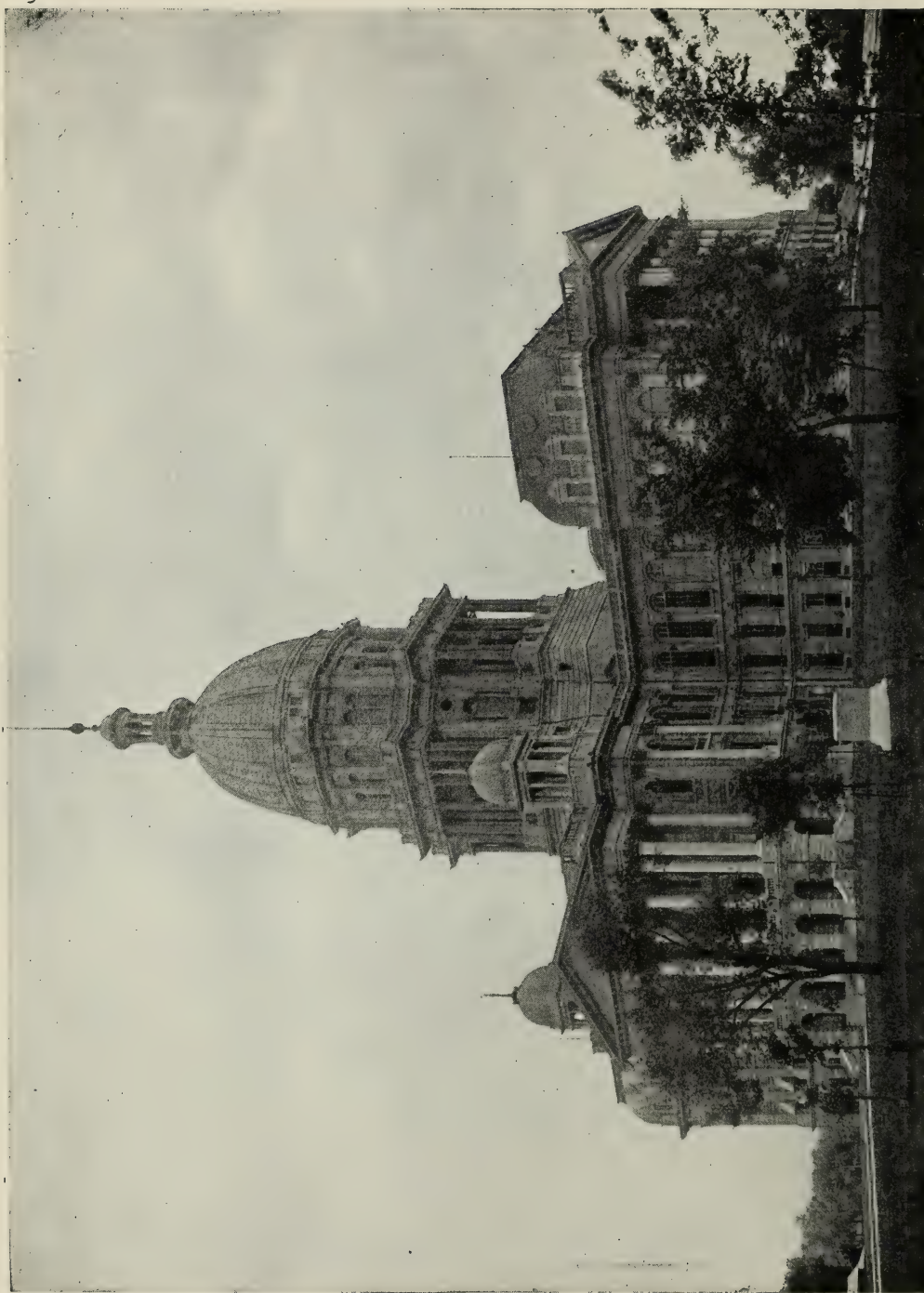
The governor attempted to examine and digest the mass of bills and was able to veto seventy-two of them and give his reasons therefor. Seventeen of these bills so vetoed by General Palmer were promptly passed over the governor's veto. The reckless and shameful industry of the Legislature resulted in placing upon the statute books of Illinois 400 pages of public laws and nearly 3,500 pages of private laws. All this was done by the shameless legislators to anticipate the adoption of the new constitution demanded by the people which would prevent such legislative debauchery in the future.

Among other dubious laws passed by this Legislature was an appropriation of \$300,000 to cover a deficit in the management of the penitentiary which had not only dissipated its regular appropriations; but was so inefficient as to bring about a breakdown of prison discipline; also a bill transferring the Lake Front at Chicago both outside and inside the Illinois Central Railroad tracks to that railroad instead of the City of Chicago, as originally intended. Another scandalous act passed by this Legislature was one appropriating a part of the state taxes to assist cities and counties to pay bond contributions which they had voted upon themselves, as gifts to railroad corporations to



PHILIP D. ARMOUR

One of founders of Chicago's packing industry.



help them build their railroads through these cities and counties. At least two of these vicious laws were passed over the governor's veto.

During the four-year term of office of Governor Palmer, took place the great Chicago fire of October, 1871. In the tumult and confusion resulting therefrom, President Grant, without any request from the governor of Illinois, or its Legislature, authorized the United States War Department to place the Federal troops stationed at Fort Sheridan, a few miles north of Chicago, in the burning city and patrol its streets and take orders from their military commander, Gen. Philip Sheridan. Acting under military orders, these troops blew up and destroyed, certain buildings claimed to be in the pathway of the flames; and shot and killed one or more men in the city. Governor Palmer rightfully believed that President Grant, in taking such action in such brusque and high-handed manner, without communicating with the governor of Illinois or any of the state authorities; was not only discourteous and contemptuous towards the State of Illinois and its officials, but that his acts were absolutely illegal and violative of state rights. He addressed a letter of inquiry to President Grant in which he asked the President if these troops had been ordered to obey the call of the City of Chicago, or the State of Illinois. The President's answer did not deny that the troops were in Chicago under military orders, but stated that no reflection was contemplated "or thought of, affecting the integrity or ability of any state officer or city official, within the State of Illinois, to perform his whole duty." On November 15, 1871, or about a month after the extinguishment of the great Chicago fire, the Legislature of Illinois met at Springfield pursuant to adjournment, and Governor Palmer laid the whole matter relating to the Federal troops in Chicago and his correspondence with the President before that body for action and addressed a message to the Legislature protesting against the illegal and improper use of Federal troops in the state. The Legislature was overwhelmingly Republican. In the House there were ninety-nine Republicans and seventy-one Democrats. The Lower House by a vote of fifty-nine to fifty-two passed a resolution

as follows: "Resolved, that we declare as unlawful and an infraction of the constitutions both of the state and the United States, the so-called military occupation, yet in view of the trying circumstances and the great calamity existing when this military power was exercised, we exonerate the Federal Government and the Federal military authorities from intent to wilfully trespass upon the constitutional rights of this state, or to interfere with its properly constituted authorities during the emergency created by the recent fire. Resolved, that the protest of the executive of this state against a violation of the Constitution was a duty imposed upon him by his office, and established a valuable precedent which is hereby approved."

The Senate refused to pass the resolution, professing not to be interested, because of the time elapsed since the fire and because no harm had resulted from the trespass. The governor also requested the state's attorney of Cook County to take action in the Criminal Court against the soldier who had shot and killed Col. Thomas W. Grosvenor, when he failed or refused to give the countersign. The grand jury failed to indict and this ended the matter of the prosecution.

Although the sending of these troops into the City of Chicago either from Fort Sheridan or Leavenworth, as a result of a request made by the mayor of Chicago to General Sheridan in a conversation had between them in Chicago, was not done with the studied purpose to ignore and flout the sovereignty of the State of Illinois or its duly elected public officials, it was, under the Constitution of the state and that of the United States, an illegal use of the Federal troops and a gross violation of the comity and official courtesy which should prevail between them. If the mayor of Chicago or the sheriff of Cook County had called upon Governor Palmer for military aid, it would have been given promptly, and if that aid proved insufficient and Federal troops were needed, Governor Palmer would have promptly asked for Federal assistance. The State of Illinois was amply able at the time to have rendered any military assistance that was needed. It was a gross act of official ignorance on the part of the mayor to request assistance from General Sheridan and was not only an exhibition of gross lack of cour-

tesy and comity, but an illegal act for the President or the secretary of war to order Federal troops into Chicago without the request of the governor of Illinois or the Legislature of that state. Governor Palmer is entitled to all honor for protesting against the indignity offered his state and the violation of law practiced by the Federal authorities on this occasion. The same sort of protest was afterwards placed on record by Governor Altgeld when President Cleveland sent Federal troops into Illinois without the request of the mayor of Chicago, the governor of Illinois or the Legislature of the state.

To allow executive officials openly to violate the law without protest is a cowardly omission of duty, particularly when the person charged with the duty of enforcing the law is in a public position making it his duty to stop violation of law, or protest, if he be physically unable to prevent it.

During Governor Palmer's administration public dissatisfaction with the late course of the Republican party became manifest both in the state and nation. President Grant had gathered around him and appointed to important official positions men with whom he had come in contact during his military career. He was a poor judge of character and regarded geniality and good-fellowship, rather than moral strength of character, as the test of qualification for office. Many of his appointees regarded public office as "a private snap" and proceeded to enrich themselves and "have a good time" at the expense of the public treasury. Graft and boodle disgraced his administration. The whiskey ring became notorious. Under Grant a Republican Congress passed the "Salary Grab" which increased the salaries of the President and congressmen and gave them back pay for services already rendered. The "Credit Mobilier" scandal was exposed while Grant was President. This arose out of a law passed by Congress giving Government aid to the corporation which was building the Union Pacific Railroad. On investigation it developed that many of the congressmen at the time they voted for the bill were heavy holders of stock in the company which they had acquired as gifts for a nominal consideration. So shocking and disgraceful were these scandals that many of the ablest and cleanest men in the Republican party openly denounced

them and opened war on the Grant administration. Among them were Senator Trumbull, Joseph Medill and Horace White of the *Chicago Tribune*, and Horace Greeley of the *New York Tribune*. Many other Republican papers openly assailed the Grant administration. Carl Schurz, B. Gratz Brown, Newton Bateman, superintendent of education in Illinois, and Edward Rummel, secretary of state in Illinois, and others of like character, organized a movement to clean up the Republican party. They called themselves and their associates the "Liberal Republican" party and selected delegates to a national convention of the new-born movement to be held at Cincinnati. Gustavus Koerner, John Wentworth, Jesse K. DuBois, Horace White, Lawrence Weldon, David L. Phillips and hundreds of men of less prominence joined the movement. At this juncture Governor Palmer made up his mind that the regular Republican organization would renominate President Grant notwithstanding the scandals and disgraces of his administration, and that if renominated for governor on the Republican ticket he would be compelled to run for office on the Grant ticket and be called upon to defend the Grant administration. This he declined to do. He then joined the Liberal Republican organization and presided over its state organization. The Democrats and Liberal Republicans held their state conventions on the same day, in the same city, and agreed upon a fusion state ticket as follows: for governor, Gustavus Koerner; for lieutenant-governor, John C. Black; for secretary of state, Edward Rummel; for auditor, Daniel O'Hara; for treasurer, C. H. Lanphier, and for attorney-general, Lawrence Weldon. Governor Palmer having declined the Republican nomination, Richard J. Oglesby was nominated by the Republicans for governor and was elected.

So great was the popularity of Grant, achieved by his successes in the war and the modesty of his deportment, that the people condoned the scandals and disgraces of his administration as the "mistakes of a simple soldier." Horace Greeley had been nominated by the Liberal Republicans in their convention for President and reluctantly endorsed by the Democrats in their national convention. As against the military idol, General Grant, Greeley was unable to make a successful race. Greeley's former

vituperation and abuse of the Democrats in the past still rankled in the breasts of hundreds of thousands of them and they failed to rally to his support on the day of election.

Governor Palmer was an able, honorable and upright governor and left behind him when he retired from office an enviable reputation. He was afterwards rewarded by his state when it made him United States senator as a Democrat from the year 1891 until 1897. Palmer was always a Jeffersonian State Rights Democrat at heart. When the slaveholding element of that party, however, sought to implant the odious system of human slavery into territory of the United States where it had not been placed by the Federal Constitution, he revolted and left the party to become a free-soiler and a Republican. When that party began to reek with graft and corruption he again revolted, and the question of slavery having been eliminated from politics, he returned to his old love, the Democratic party. He was a conscientious, high-minded statesman who always put principle before party. The crowning feature of Governor Palmer's term as governor was the adoption of the Constitution of 1870, which, with but few amendments, remains the organic law of the state up to the present time.

CHAPTER LIV

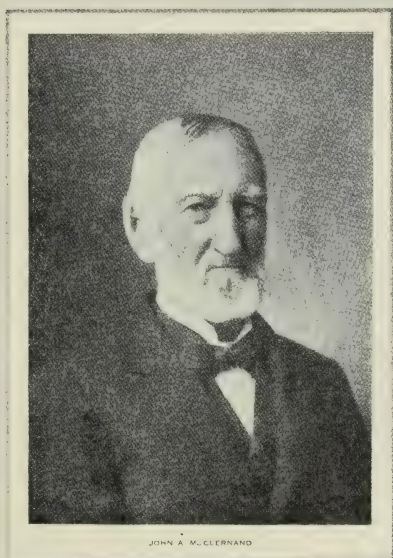
IN 1870 ILLINOIS ADOPTS NEW CONSTITUTION

At or about the outbreak of the Civil war, the people of Illinois began to express much dissatisfaction with the constitution of 1848. It had not stood the test of modern requirements. It had been adopted at a time of great financial distress and its paramount aim was to enforce economic government. With this latter object in view, the frontier makers of the constitution of 1848 had fixed the salaries of public officials at ridiculously inadequate figures. The governor's salary was \$1,500, that of the secretary of state \$800, that of state auditor \$1,000, and that of state treasurer \$800. The salaries of the judges of the Supreme Court were correspondingly grossly inadequate. The members of the Legislature received only \$2 a day for the first forty-two days and \$1 a day for all days served in excess of forty-two days. Public officials could not clothe and feed themselves decently on such salaries, not to speak of the needs and necessities of their families. This opened the door for legislative evasion and eventually to gross corruption. Allowances were voted to the governor for the upkeep of the mansion and grounds and for other purposes. Allowances were voted to the judges for alleged non-judicial duties. The members of the Legislature voted themselves allowances for stamps, stationery and clerk hire, so that each member was able to draw \$7 per day from the public treasury instead of the \$2 and \$1 per diem provided in the constitution.

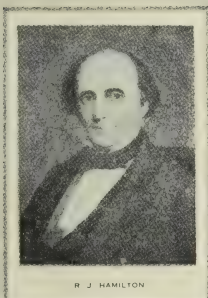
Under the 1848 Constitution the Legislature was permitted to pass private bills without limit. During every session of the Legislature the calendar was crowded with private bills drafted for the purpose of benefiting or enriching private persons or corporations, or particular localities or schemes, without any



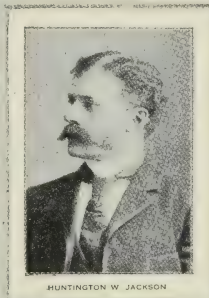
EMORY A. STORRS



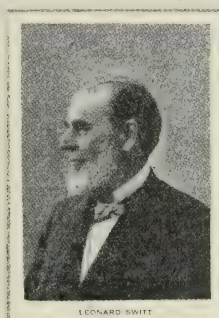
JOHN A. MCCLERNAND



R. J. HAMILTON



HUNTINGTON W. JACKSON



LEONARD SWITT

Eminent Members of the Illinois Bar

Storrs-Hamilton-Jackson-Switt-McClernand.
(Courtesy Northwestern University School of Law.)

regard to the general welfare of the state. This became the source of graft and personal enrichment to many members of the Legislature. The profits accruing to many members of the body from the corrupt support of these private bills became the talk of the state and one of the most forcible arguments in favor of a new constitution that would stop this scandalous prostitution of legislative powers.

The first session of the Legislature under Governor Palmer passed 1700 private laws. When the Legislature recessed he had read only 300 and he was given thirty-three days additional time to consider the remaining 1400. It was manifestly physically impossible for him to give careful reading and analysis to that number of bills within that time. He managed to veto some eighty of them, but many of these were passed over his veto.

Another defect of the Constitution of 1848 was the limited number of county officials that could be elected by popular vote. While the voting privilege was freely given to all "inhabitants," under that constitution the voters could only vote for the governor, lieutenant-governor, members of the Legislature, and the sheriffs and coroners in the counties. The Legislature selected all other officials. The clerks in counties, county treasurers, county commissioners, justices, constables and assessors were all appointed from Springfield. Because of this situation there was great dissatisfaction among the electorate of the state.

Agitation for a new constitution developed in 1860 and 1861, which culminated in the constitutional convention of 1862. The prosecution of the Civil war by the Republican party had become so unpopular when that convention was called that it was dominated by a very strong Democratic majority. When that convention framed a constitution and submitted it to the people for ratification, it was bitterly opposed by Governor Yates and the whole Republican party, and the people rejected it at the polls. Thus in 1862, the move for a new constitution died "abornin'." Still the agitation for a new constitution persisted. In 1869 the Civil war was won and the Republican party was in the saddle in both state and nation and its leaders deemed the time opportune for a constitutional convention. The question

was submitted to the people and as the need of a new constitution was recognized by all parties, the people voted favorably for the calling of a convention. Eighty-five members were elected and assembled at Springfield in December, 1869, for the purpose of drafting a new constitution. The Democrats and Republicans in this convention were about equally divided, but a few independents held the balance of power. Among the members elected there were a considerable number of men of ability and force of character. Some of these are deserving of being named, as follows:

William J. Allen, J. C. Allen, Elliott Anthony, William R. Archer, Reuben M. Benjamin, Orville H. Browning, Silas L. Bryan, Alfred M. Craig, Samuel P. Cummings, John Dement, Miles A. Fuller, Milton Hay, S. Snowden Hayes, Jesse S. Hildrup, Joseph Medill, Samuel C. Parks, Edward Y. Rice, Lewis W. Ross, John Schofield, Onias C. Skinner, William H. Snyder, William H. Underwood, and Henry W. Wells.

Elliott Anthony was for many years a learned and able judge of the Superior Court of Cook County, before whom I often appeared as a young lawyer in the '80s and '90s. He was a just as well as an able jurist. Silas L. Bryan was a judge from Southern Illinois and the father of that great man and popular idol, William Jennings Bryan. Joseph Medill was the very able editor of the *Chicago Tribune* and one of the most influential sponsors of President Lincoln. He was, in the convention, the author and effective supporter of the doctrine of minority representation in the Legislature. The theory was attractive and it was incorporated in the new constitution, but in practice during later years its value is open to serious doubt.

After a rather senseless controversy as to the exact language of the oath to be taken by the members of the convention, the Republican members placed Joseph Medill in nomination for president of the convention. The Democrats and Independents, however, united and nominated and elected Charles Hitchcock, a Republican, for that office by a vote of forty-five to forty. In discussing the provisions of a new constitution, several matters arose which provoked long-continued and heated arguments. Among the first was the disposition to be made of the Illinois

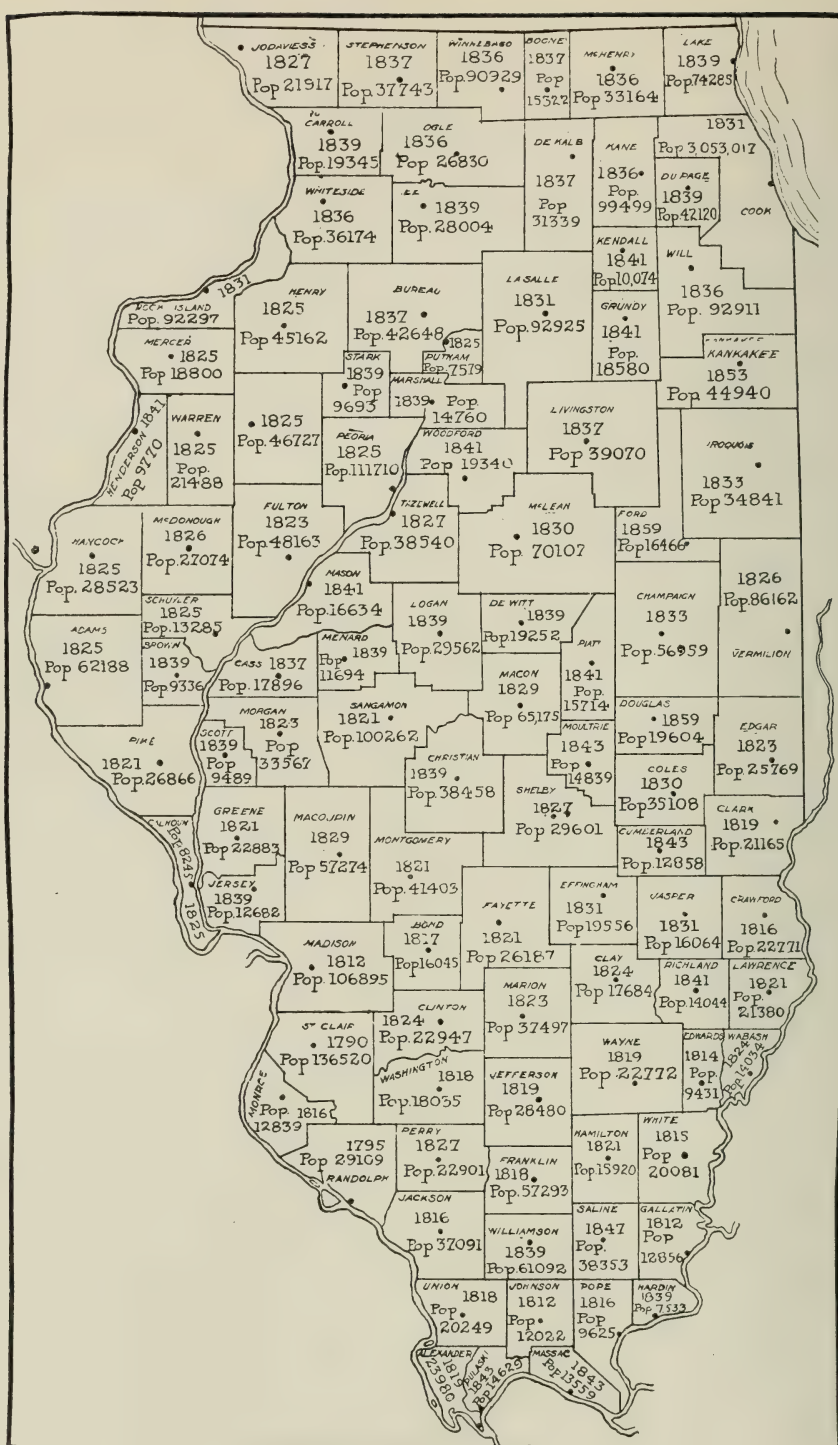
and Michigan Canal. It had been so successful and self-maintaining that efforts were made to urge its retention and further development by the state as a state-owned and operated utility. Such was the wish of the members from the districts near the canal and in the northern part of the state. The members from the southern part of the state, however, urged that the canal was of no benefit to the state at large, that it was only useful for the purpose of taking the sewage away from Chicago, and that it should be sold or leased to private parties. Judge Silas Bryan, of Marion County and J. C. Allen of Crawford County voiced the opposition of the southern delegates. A compromise was, however, finally agreed upon under which the canal should "never be sold or leased until the specific provision for the sale or lease thereof" should be "submitted to a vote of the people of the state at a general election, and have been approved by a majority of all the votes polled at such election." This compromise was adopted by a vote of forty-nine to eleven.

The elective franchise was also a subject of long and bitter controversy. The granting of the voting franchise concerned four different elements among the people, white native-born, white foreign-born, negroes and women. Notwithstanding that thousands of foreign-born inhabitants of the state had volunteered for the defense of the Union, nativistic antagonism to granting the right of voting to the foreign-born was led by Dement and other members. Bitter opposition was also offered against permitting the black man to vote. Quite a determined but small number of the members favored granting the voting franchise to women. After a long and heated controversy the convention drafted and adopted Section 1 of Article VII of the present constitution, on suffrage. This section gives "every person having resided in this state one year, in the county ninety days, and in the elective district thirty days next preceding any election therein, who was an elector in this state on April 1st, 1848, or obtained a certificate of naturalization before any court of record in this state prior to the first day of January, 1870, or who shall be a male citizen of the United States, above the age of twenty-one years, shall be entitled to vote at such election." This in substance gave the right to vote to all who

could vote in 1848, whether they were citizens or not, to all other male citizens, native-born or naturalized, and to negroes over twenty-one years of age, but denied the franchise to women.

Medill's plan for minority representation was urged by him and others with such vigor and perseverance that it was incorporated into the new constitution. The Legislature afterwards, however, passed laws relating to this provision under which the senatorial committees of the political parties were empowered to fix the number of legislators which can be nominated by each party and limiting the names on the ballot to such nominations made by the parties. This legislation has brought about a condition where the dominant party in each legislative district usually nominates two of the three members which can be elected in the district and the other or weaker party in the district nominates only one. The dominant party then instructs the voters of that party to give each of their two candidate $1\frac{1}{2}$ votes. The weaker party instructs the voters of that party to cast three votes for their sole candidate. This discourages independent candidates from entering the field, as the probabilities of success are heavily against them. The result is that under the minority representation plan, shrewd campaigners of both parties enter into underhand deals with each other that enable them to be elected year after year as perennial candidates, notwithstanding that their records in the Legislature do not merit their reelection.

Much dissatisfaction had existed throughout the state, particularly among farmers and stock raisers, over the excessive charges made by the railroads for the transportation of both freight and passengers. This discontent expressed itself in the convention by an effort to incorporate into the new constitution some provision under which the railroads could be curbed and prevented from practicing extortion. This was a new problem in the State of Illinois. Railroads were almost unknown in Illinois in 1848 and there was no railway problem presented when the constitution of 1848 was adopted. The power to compel a railroad to carry freight or passengers for a statutory price was questioned in the convention. Many of the members of the convention seemed to be of the opinion that the charges of



MAP OF ILLINOIS

Showing date of organization and population of counties.

(From *Illinois Blue Book*.)

a railroad were no more subject to regulation by the Legislature or the constitution than would be the prices of a grocery man or a butcher. Delegate R. M. Benjamin, of Bloomington, a very able constitutional lawyer, took the floor and in an excellent argument, buttressed with the recent decisions of the courts, soon convinced the convention that a public utility corporation, such as a railroad company chartered by the state and granted valuable privileges by the state in its charter, could be regulated both as to its prices and service by the state through legislative action authorized by the constitution. As a result the convention inserted in the new constitution a provision authorizing the Legislature to pass laws regulating the charges made by the railroads for services rendered to the public. With reference to the Illinois Central Railroad especially, the convention provided in the new constitution that "no contract, obligation or liability whatever of the Illinois Central Railroad Company to pay money into the state treasury . . . shall ever be released, suspended, modified, remitted, or in any manner diminished or impaired."

The rapid growth of the City of Chicago, both in population, as well as in its industries, commerce and manufactures, and the congestion in its courts, came officially before the convention when it took up the question of the judiciary. Per capita of population, the number and importance of law suits both civil and criminal in Chicago and Cook County much exceeded those in other parts of the state. This resulted from the enormous increase of commerce, manufacturing, railway construction and merchandizing in that great city and the influx into it of newcomers from Europe and the eastern states. It was justly contended in the convention that some special and flexible article should be incorporated in the fundamental law that would provide at once and thereafter sufficient judges to dispose of the enormous number of law suits then on the calendar and of the still more formidable amount of litigation that would inevitably arise in the future.

For a time there was serious opposition from the down-state members to any provision of the constitution that would operate as a discrimination or difference between Cook County and the

other counties of the state, but as the incontestible fact developed that uniformity of legislation in the judiciary would result either in legal chaos in Cook County or an unnecessary number of judges with unnecessary burdens of taxation in the country districts, the convention wisely decided that a special and discriminatory article relating to the Cook County courts must be placed in the constitution. It was therefore provided in the constitution that the number of judges throughout the whole state could be increased in proportion as the population increased, but that the increases in number of judges in Cook County might be authorized by Legislature for each increase in population of 50,000 in that county.

A proposition for the reading of the Bible in the public schools was after full debate voted down in the convention. A proposal to pay part of the school funds raised by taxation into "schools . . . of classes of the people whose conscientious scruples prevent them from using the public schools," by appropriating to them "to the extent of the school taxes paid by such classes" was also voted down after full debate.

In submitting the constitution when framed to the people for their referendum vote thereon, the convention voted to submit some of the clauses therein so that they could be voted upon separately from the main instrument. These clauses so submitted separately, if submitted in globo with the main document, might imperil the whole constitution. Eight separate clauses were excluded from the body of the main instrument and submitted separately from the constitution proper for separate and distinct votes on each of them. The eight articles so submitted were those relating to counties, corporations, municipal subscription to railroads, canal, warehouses, minority representation, removal of county seats and Illinois Central Railroad. All of them, however, were approved by popular vote and the whole constitution as framed was ratified by the people with substantial majorities.

The constitution of 1870 was a distinct improvement on that of 1848, but the experience of later years has proved that it must be materially amended to meet the exigencies of modern times. Its provisions for equitable taxation are wholly inade-

quate for modern times. When it was adopted, most personal property was of a tangible nature that might be discovered by and assessed by the assessor. At the present time a great amount of the most valuable property consists in intangible rights in great corporations and other securities which are evidenced only by slips of paper that cannot be reached by the most persistent tax ferrets.

CHAPTER LV

ADMINISTRATION OF GOVERNOR JOHN L. BEVERIDGE

Richard L. Oglesby, the only thrice-elected governor of Illinois, had hardly well-warmed his seat as governor for a second term in 1873 when he was elected to the United States Senate. When he took his place in that body John L. Beveridge, who had been elected lieutenant-governor, became governor of the state. He was an ardent temperance advocate and his efforts to impress his radical temperance views upon his party earned for him great unpopularity. During his incumbency there was much unrest among the farming element and animosity among them towards the railroads and other corporate monopolies. They organized and developed a party which they first called the Anti-Monopolists and sought to place in nomination state and county tickets. The party name was afterwards changed to that of the Greenback party. In 1874 it placed a state ticket in the field, David Gore candidate for treasurer, and S. M. Etter for superintendent of state instruction. The Democrats endorsed Etter and placed him on their state ticket, and he was elected. Thomas S. Ridgeway, the Republican candidate for state treasurer, was successful over Gore, the Greenback candidate. The Republicans, however, found themselves in the minority in the Legislature as the result of this election.

During Governor Beveridge's term a bloody vendetta war broke out in Williamson County, resulting in the perpetration of some twenty-seven murders. Both Democratic and Republican papers denounced the participants, the county authorities and the governor savagely. The *Chicago Tribune* sarcastically addressed the chief executive of the state as the "Napoleonic governor" and charged him with permitting Ku-Kluxism to



John L. Beveridge

GOVERNOR 1873-77

(Courtesy Illinois State Historical Library.)

run rampant in the county. The *State Register* declared that the governor was as "dumb as an oyster."

The financial panic of 1873 occurred during Beveridge's term of office and contributed largely to the discomfiture of the Republican party. So unpopular did Governor Beveridge prove to be at the latter end of his term that when he sought renomination in the Republican state convention, he received only eighty-seven votes as against 387 cast for his successful competitor, Shelby M. Cullom. After his defeat for renomination, little or no mention seems to have been made of Beveridge in the politics of the state.

CHAPTER LVI

SHELBY M. CULLOM, GOVERNOR AND UNITED STATES SENATOR, AND JOHN M. HAMILTON, GOVERNOR

In November, 1876, when Rutherford B. Hayes was decisively beaten in the popular vote for President by Samuel J. Tilden, the Democratic nominee, Shelby M. Cullom was elected governor of Illinois over Lewis Steward, the Greenback-Democratic nominee. Cullom had been a successful leader among the Republicans for some time past. He had served with credit both in the Illinois Legislature and in Congress as representative from the Springfield district. He was chosen as Speaker of the Illinois House of Representatives as far back as 1860. While not brilliant as an orator, his ability as an organizer was without question. His tact and suavity made him very popular with all classes. This popularity obtained for him the nomination of his party for governor in 1876, a nomination in 1880 for the same office, and his election by the people on both occasions. It afterwards secured his election to the United States Senate in 1883, and his reelections in 1889, 1895, 1901 and 1907, which office he continued to hold until his death in 1913. While in national politics he never attained to the prominence of Douglas, Trumbull or John A. Logan, his tact, conservatism and integrity secured for him a continuance in office unequalled in Illinois. For a half of a century he held by the suffrages of his fellow-citizens official positions of the highest honor almost continuously.

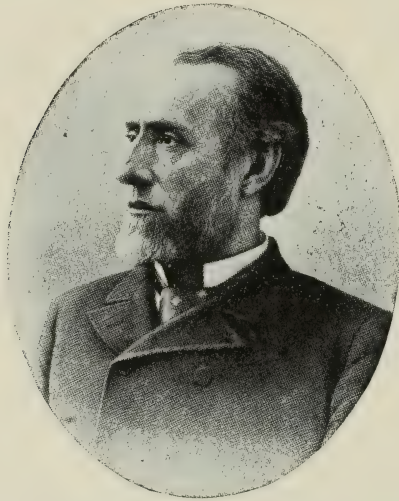
Shortly after my induction into the office of governor, I was called upon, in January, 1914, to express the sorrow of the people of Illinois over his remains. In a short address I attempted to pay a just tribute to his character, a few excerpts from which may not be inappropriate here.

Man dies but his memory lives. His material part dissolves and decays; his Spiritual and intellectual elements survive and endure.

All that was mortal of Shelby M. Cullom lies before us helpless and inert. The spiritual and intellectual record of his past lies before us vigorous and forceful.

It falls to the lot of few men to have their lives so long and so prominently woven into the history of his state and country as was the life of Senator Cullom.

To fewer still does it fall to leave behind him after such a life so fragrant and wholesome a memory. For over



SHELBY M. CULLOM, GOVERNOR 1877-83; U. S. SENATOR 1883-1913

half a century he held public office continuously down to the hour of his death.

During that half century parties were born and died, policies of government changed, leaders rose and fell, party ties were broken and realigned, and during that half century this man living continuously in one small county, by his force of character, lovable disposition, and above all, by his irreproachable integrity, secured and retained the confidence and respect of the people of a great State, who kept him amidst all the vicissitudes of political warfare in positions of the highest dignity and responsibility.

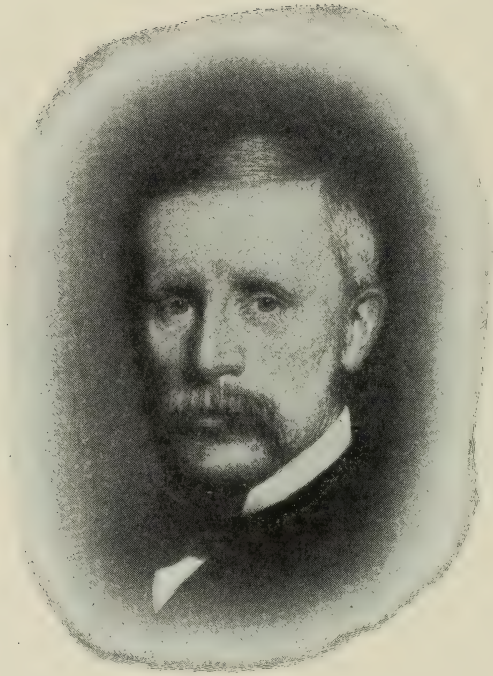
His was not the blazing light of the flaring comet which dazzles the eye and soon is lost in darkness, but the steady,

sober light of the heavenly star which shines throughout the long years with unvarying purity and splendor.

The secret of Senator Cullom's marvelous hold upon his fellow citizens is easily understood. No man has ever succeeded in retaining the confidence of the public for any great length of time unless the public were convinced of his integrity.

For thirty years he was a member of an exalted body of legislators, where opulence was the rule and a moderate competency the exception. He had before him the temptations thrown around every man in public life. He became intimately acquainted with the ease and luxury which wealth produces, and which makes other men envious of such possessions, and yet this man lived and died comparatively a poor man, which is the best test of integrity and devotion to duty.

During Cullom's incumbency as governor, the state built a new penitentiary at Chester, Illinois, and the State Boards of Health and Pharmacy were created, and also the Bureau of Labor Statistics. The Legislature also passed laws regulating medical practice and licensing medical practitioners. During his incumbency the Supreme Court finally affirmed the constitutionality of the railway legislation of 1871, regulating the charges and management of railways. During his second term as governor the Legislature elected Governor Cullom United States senator in 1883. Upon resigning his gubernatorial office to become senator, he was succeeded in the office of governor by John M. Hamilton, the lieutenant-governor, who served the unexpired term of about two years. Governor Hamilton's short term was uneventful as to important legislation. A terrible mining disaster at Braidwood, which caused the death of eighty miners, occurred while Hamilton was governor. Serious riots in Madison and St. Clair counties also broke out while Hamilton was still in office.



John M. Fainton

GOVERNOR 1883-85

(Courtesy Illinois State Historical Library.)

CHAPTER LVII

OGLESBY'S THIRD ADMINISTRATION

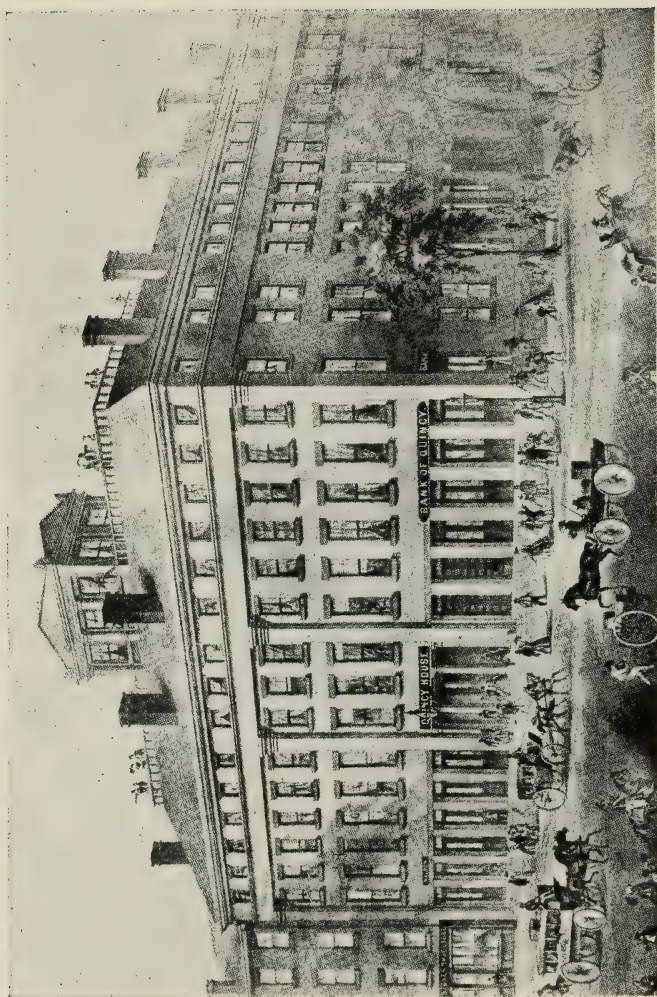
Labor Unrest and Trial of the Anarchists.

Richard J. Oglesby had served a rather uneventful term as governor from January 1865 to January 1869. In 1872 he was again elected governor but upon his election to the United States Senate in 1873 he resigned his office as governor.

At the conclusion of Governor Hamilton's term in 1885, the irrepressible and popular Governor Richard J. Oglesby, who had been theretofore twice elected as governor and once as United States senator, again appeared upon the political stage, having been elected for the third time. His last administration, from 1885 to 1889, was signalized by the tremendous labor unrest which prevailed throughout the state and particularly in Chicago, and by the Haymarket riot, the so-called anarchist trial, the excitement produced by the petitions for their pardon and the execution of most of the convicted men.

Almost the entire press of the world and the whole people of the country have always called this famous trial "the Anarchist case," although in law it was a murder trial pure and simple. The defendants were indicted and tried for the murder of one of the policemen killed by a bomb thrown by some person unknown, May 4, 1886, at the Haymarket in Chicago. No tragic event in the entire history of Illinois has occasioned so much comment and discussion throughout the world as this trial, and no history of the state can with justice fail to comment thereon. To a full understanding of the nature of the case it is necessary to consider the facts leading up to the tragedy.

Following the great Chicago fire of 1871 and the financial panic of 1873 there had been great destitution and labor unrest



THE QUINCY HOUSE

(From an old drawing.)

Completed in 1838, burned in 1883, Lincoln and Douglas were among its many famous guests. Outside of "Court" the Quincy House was the most popular gathering place of the profession.

in the eastern and midwestern states of the Union. From 1871 to the day the bomb was thrown in the Haymarket, in 1886, Chicago seemed to be the storm center in the Middle West of this labor discontent. There was a great railway strike in Chicago in 1871, a stock yards strike in 1880, a street car strike in 1885, all attended with more or less disturbance and altercation with the police. There were also a number of smaller industrial strikes between employers and employes in different manufacturies. In all cases the employers promptly called upon the city authorities for police protection which was always promptly given. When the strikes were called the strikers and their sympathizers generally collected in crowds near the place of employment, either to advise or intimidate others from going to work. The instructions to the police from their superior officers were to order the crowds, whether peaceful or otherwise, to disperse, even when in the public streets or thoroughfares, and if they failed to obey orders to force them off the public thoroughfares by the use of violent methods. This usually resulted in the police cracking the heads of all persons, strikers or bystanders, who refused to obey orders. Frequently the employers furnished armed Pinkerton hired men to assist the police who acted under orders with additional violence.

The frequent cracking of heads, sometimes resulting in death or serious injury, began to produce widespread indignation, not only among the laboring people but in the community generally. These occurrences intensified the spirit of organization among the working elements. Nearly every workingman joined some labor organization. There were many labor organizations of different characters in Chicago. Some called themselves trade unionists, some labor communists, some socialists, some syndicalists. They were all opposed to police brutality. Early in 1886, or it may have been before, agitation was started among the different labor organizations for the "eight-hour" day. This daily limit to labor, which seems to us now so reasonable that it has become almost universal, was then regarded by the employers of Chicago as communistic and dishonest.

The labor organizations, however, had greatly increased in membership and enthusiasm and made vast arrangements for

an eight-hour day demonstration, May 1, 1886. In February of that year the McCormick Reaper Company, which had been having trouble with its employes, locked them out, some 1,400 in number. In dispersing crowds of these locked-out men from the streets, the police had been unusually brutal. "It became a pastime . . . for police in a detachment in close formation to disperse with the 'billy' any gathering of workingmen. The billy was an impartial instrument; men, women and children, and shop-keeping bystanders alike, composed its harvest. It was the police aided by the Pinkertons who added the great leaven of bitterness to the contest." (*Centennial History of Illinois*, Vol. IV, pp. 167, 168.) The city was in a condition of suppressed excitement as May Day approached. It was feared that there might be outbreaks and bloodshed. May Day came and went, however, without the slightest disturbance. At least 60,000 workingmen paraded and demonstrated peacefully.

Two days later, however, occurred a bloody encounter on the Black Road near the McCormick plant, between the police and some of the locked-out employes of that plant. The union men held a meeting near the McCormick plant and hooted the "scabs." At the call of the owners, 150 police appeared on the scene, drew their revolvers and killed several workingmen and wounded a score more of them. The next issue of the *Arbeiter Zeitung*, a radical communistic or anarchist paper, appeared with scare-head type: "Blood! Lead and powder as a cure for dissatisfied workingmen! Six laborers were mortally wounded and four times that number slightly wounded! Thus are the eight-hour men to be intimidated. This is law and order!"

That night thousands of copies of a circular were scattered through the city, reading: "Revenge! Revenge! Workmen to arms! Men of labor, this afternoon the bloodhounds of your oppressors murdered six of your brothers at McCormick's! Why did they murder them? Because they dared to be dissatisfied with the lot your oppressors have assigned to them. They demanded bread and they gave them lead for an answer." The circular called for a meeting to be held at Haymarket Square for the night of May 4. Because of the announcement, reserves

of the police were massed in a near-by police station within two blocks of the Haymarket.

The mayor of Chicago, Carter H. Harrison the elder, personally attended the meeting and remained there until about 10:00 P. M. Having satisfied himself that it was orderly and peaceful, he left the meeting and called at the near-by police station where Inspector Bonfield was stationed in command of the men held in reserve. He informed the inspector, known as "Black Jack" Bonfield, and notorious for his brutal methods, that the meeting had not been violent, that no violence need be feared and that the attendants at the meeting were beginning to disperse. After the mayor left and before any act of violence had been committed, Bonfield took it upon himself to disperse the meeting. Marshalling 125 policemen into attacking formation, he marched them to the meeting and commanded what was left of the mass-meeting to disperse. Someone threw a bomb into the advancing ranks of the police, instantly killing one policeman, Deegan, and fatally wounding six or seven others. The police promptly fired wildly into the fleeing crowd, killing and wounding many. It took but a few minutes to commence and end the Haymarket riot. This tragic event first shocked and soon struck fear into the hearts of law-abiding citizens. This fear was quickly developed by the police and newspapers into terror. Rumors were spread that the public buildings of the city would be burned, and demands were made for the extermination of the anarchists. The general public became incensed against not only the bomb-throwers and the anarchists, but against all labor agitation. It hurt the cause of conservative labor seriously and suppressed for a time the agitation for the eight-hour day. The police made wholesale arrests and used every possible means to apprehend the bomb-thrower or bomb-throwers. After stupendous efforts, eight of the many men arrested were indicted and placed upon trial for the murder of Deegan, the first policeman killed, August Spies, Adolph Fischer, George Engel, Albert R. Parsons, Michael Schwab, Samuel Fielden, Louis Lingg and Oscar Neebe. The public had been convinced by lurid and exaggerated statements in the press and by wild assertions of the police, and employers who had been

harassed by strikes, that a widespread conspiracy to destroy municipal and national government existed in Chicago, and that the city had narrowly escaped destruction.

While this was the state of the public mind, the defendants were placed upon trial before Joseph E. Gary, an honest and upright judge. All of the defendants had been apprehended excepting one, Albert R. Parsons. At the opening of the trial, he voluntarily appeared in person, submitted himself to the jurisdiction of the court, and pleaded not guilty to the charge of murder.

I was, during the trial, engaged about my occupation as a young lawyer in and about the courts and came in contact with all classes of people, and believe that I could and did sense the then feeling of the community in reference to these men on trial. The almost universal belief was that these eight men were anarchists and dangerous men to have around and that their removal would benefit the community. As the evidence developed in the trial and appeared in the press there developed, among members of the bar particularly, a serious difference of opinion as to whether the evidence was sufficient to convict them of the crime with which they were specifically charged—the murder of Matthias Deegan. There was no proof as to the identity of the person who threw the bomb and no proof that any of the eight defendants did so. There was proof that some of the defendants had made wild and treasonable utterances at different times and places in the past and that some of them had published violent and treasonable articles in the papers, but there was no proof that the bomb-thrower had ever heard or read these utterances. They were not on trial for treason or conspiracy, but for the murder of Deegan. In the opinion of many able lawyers, there was a missing link in the chain of evidence—the link connecting the defendants with the actual murderer and bomb-thrower. This missing link, however, was supplied by the judicial construction placed upon the evidence by the ruling of the presiding judge. Judge Gary ruled, in substance, that when men advise in public speeches, or in newspapers, which can be heard or read by thousands, the committing of acts which would naturally and inevitably result in the unlaw-

ful taking of human life, that if human life is taken unlawfully in the manner advised, within a reasonably short time after the advice is given, the persons giving such unlawful and dangerous advice must be held responsible therefor as principals and as actually guilty of murder. In overruling the defendants' motion for a new trial, the judge admitted that the case was without precedent and that there was no example in the law books of a case of that sort.

An eminent lawyer, in discussing with me Judge Gary's decision about the time of its rendition, declared that *it was*



A PIONEER QUINCY HOME

One of the oldest frame buildings in Adams County, built in 1833 by Francis C. Moore, on Moore's Mound, present site of city water reservoir.

the first case of "constructive murder" on record. Judge Gary's decision was, however, shortly afterwards sustained by the unanimous opinion of the Supreme Court of Illinois, after full argument by able counsel, and it is the law of Illinois to this day.

Parsons was present at the Haymarket meeting with his wife and two children shortly before the bomb was thrown, and many persons believed that he would not have risked their lives and his own if he knew a bomb might be thrown. He had

also voluntarily appeared for trial without being apprehended. Governor Oglesby intimated that he would have granted him some kind of clemency if he, Parsons, would ask for it. Parsons refused to do so and was hung with Spies, Fischer and Engel a short time afterwards in the Cook County jail. Governor Oglesby commuted the sentence of Fielden and Schwab to life imprisonment, and Louis Lingg committed suicide in jail by exploding a bomb within his mouth on the day before that set for his execution.

I knew Capt. W. P. Black, an eminent and able lawyer, who defended Parsons in the anarchist case. He was a brother of Gen. John C. Black, Democratic candidate for governor in 1872 and afterward candidate for the United States Senate against Gen. John A. Logan. Captain Black was a member of the law firm of Dent & Black, which firm had a large and remunerative civil practice in Chicago. How he happened to undertake the defense of Parsons I never learned. He was a high-principled, generous-souled man and was actuated in so doing more by humanitarian motives than by legal fees. After conferring with Parsons he believed that he was innocent, and advised him to remain in seclusion until the case was actually called for trial, and then to appear in court and plead not guilty. Parsons followed Black's advice and was hanged. It broke Captain Black's professional spirit as a lawyer. He was an eloquent, able attorney and a chivalrous gentleman, and in an endeavor to secure justice for a client and carry out his duty as an upright lawyer he gave honest advice which resulted in the death of his client. Not only that, his appearing as a lawyer for "that anarchist Parsons," in the then-inflamed condition of the public mind, lost him many of his old clients and seriously reduced his income as a lawyer. The hostility of the public towards anarchists extended to their attorneys in his case. The fury of the mob is no respecter of persons.

The Haymarket riot for a time seriously interfered with the laboring movement for the eight-hour day. While in fact the men who believed in and advocated anarchy in Chicago were few and insignificant in numbers, the stigma of the anarchist name was ascribed too often and untruly to many laboring men

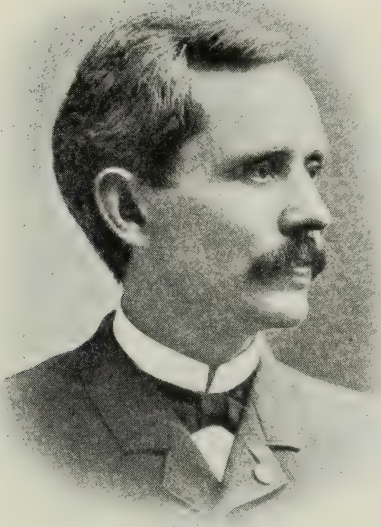
and labor organizations that were lawfully and justly attempting to ameliorate and correct many injustices from which labor had been suffering. The eight-hour day, however, was checked only temporarily and afterwards succeeded in securing recognition from both the employers and the public.

CHAPTER LVIII

PRIVATE JOE FIFER ELECTED GOVERNOR

During the twenty-four years which elapsed between 1864 and 1888, every man elected governor of Illinois except Shelby M. Cullom had been a Federal general in the Civil war, most of them relying upon the "bloody shirt" campaign for their election. The people seemed to tire of this uniformity in the selection of candidates. In 1888 a candidate appeared who proclaimed as one of his qualifications for the office of governor that he had served his country on the battlefield as a *private in the ranks*. The novelty of the appeal seemed to strike a popular chord in the ranks of the Republican party. The record of Joseph W. Fifer, the Republican aspirant, was investigated and it was found that he had served as a private soldier in the Thirty-third Illinois Infantry, that he was seriously wounded in the battle of Jackson, Mississippi, had recovered from his wound and returned to service after his recovery, and served creditably until the end of the war. After the war was over he studied law, was admitted to practice and had been fairly successful in his practice. "Private Joe" Fifer was thereupon enthusiastically nominated in the Republican convention in the same year that Grover Cleveland was seeking reelection on the Democratic ticket for the Presidency against Benjamin Harrison.

During the campaign in Illinois in 1888 there was seething discontent both among the laboring masses and among the farmers. Serious strikes took place among the former after the resentment against labor agitation arising from the Hay-market riot had subsided. The farmers resented the burdensome and discriminatory provisions of the Republican tariff law which raised the price of all manufactured articles, including farm



Joseph W. Zifer

GOVERNOR 1889-93

(Courtesy Illinois State Historical Library.)

machinery. The Illinois State Labor Association met at Peoria in January, 1888, and conferred with representatives of the discontented farmers who seemed anxious to cooperate in the placing of an independent ticket in the field. In April, 1888, the Labor party met at Decatur and adopted a platform demanding strict law enforcement, lower state taxes, the taxation of mortgages, the popular election of railroad and warehouse commissioners, governmental ownership of railroads, telegraphs and telephones, reform in the monetary system, arbitration of industrial labor disputes, a graduated income tax, election of United States senators, woman suffrage and prohibition. They selected W. W. Jones to head the ticket as candidate for governor. There was lack of harmony, however, among the delegates either over some of the demands of the platform or the selection of candidates, or both. Several of the Chicago delegates promptly bolted the convention and their independent campaign started inauspiciously.

The Democrats nominated ex-Governor John M. Palmer, who in the campaign savagely attacked the uses of hired Hessians, called "Pinkertons," by employers in their efforts to suppress labor strikes. The raising and arming of hireling soldiers by private persons or corporations to overawe and subdue labor movements, he justly contended, was illegal and dangerous to the state. To preserve the peace and to subdue violence was the duty of the state, county and city authorities and not the right of private individuals or corporations using armed men for that purpose. His stand on this subject appealed powerfully to labor, or, rather, to that element of labor not employed in maunfactories benefited by protection. Illinois was rapidly becoming more and more a manufacturing state. The employers of labor in such manufactures as were benefited by the high tariff law—and there were many of them in Illinois—sedulously impressed upon their employes the state that permanence of work and the payment of good wages altogether depended upon the retention in the statutes of the protective tariff law. "No tariff, no work and no wages" was the lesson of the employers constantly dinned into the ears of their workingmen. The farmers were opposed to the tariff law, but were not so much

concerned about the "hired Hessions." While Palmer was also opposed to the high tariff, he did not lay the emphasis upon this issue that he did upon the "Pinkerton" illegibility. As a result, the discontented laborers and dissatisfied farmers did not rally behind him and the Democratic ticket as was hoped for. Enough farmers and laboring men still adhered to the standard of "Private Joe" and the Republican state and national tickets in Illinois to give Fifer a certificate of election as governor of Illinois and to give the electoral votes of the state to Benjamin Harrison for the Presidency. Although Cleveland obtained throughout the nation a popular plurality of 5,538,233 over Harrison's 5,440,216, Harrison received a majority of the electoral vote, 233 to 168.

During Governor Fifer's administration the school laws of the state were overhauled and revised and changed in many particulars, and a compulsory education law was enacted. These laws, so changed, were objectionable to many private schools and the schools conducted by the Lutherans and Roman Catholics, and were so unpopular that they were one, if not the main reason, for the defeat of Governor Fifer when he sought reelection in 1892.

In 1891 one great reform in the election laws was brought about by the passage of the Australian ballot law which remains in force up to the present time. Prior to the passage of this excellent law there were no official ballots. Any party, group of men or individual might print a ballot to his own taste and put it in the ballot box. Under this condition of affairs it was almost impossible to receive, register and count honestly the votes cast at an election and frauds were easily and frequently carried out.

It was my good fortune and it gave me great pleasure while I was in the governor's office to meet and greet Governor Fifer, who was in excellent health and spirits, with unimpaired mental vigor, in 1917, at the age of seventy-seven years. He was afterwards elected a member of the constitutional convention of 1920 and took an active and vigorous part in framing the same. I felt compelled to take an active leadership in opposing the adoption of this proposed constitution in 1922 because of its



FRANCES E. WILLARD

Early resident of Evanston, Dean of Women at Northwestern University,
founder of W. C. T. U. and its secretary and president.

gross unfairness to the County of Cook. It was decisively beaten by a vote of 921,398 against it and only 185,298 in its favor, December 12, 1922.

In 1890, during Governor Fifer's term, an election was held for members of the Legislature. At this convention the discontented laborites and disgruntled farmers who were still in revolt against political conditions adopted a different policy from that which they pursued in 1888. In 1888 they had placed an independent ticket in the field and adopted a platform which failed to attract the votes. It got them nowhere. They now decided to pursue the methods that the farmers had successfully used when they demanded railroad regulatory legislation in 1872. In a conference held in May, 1890, between the Knights of Labor, the Farmers' Alliance, the Grange and the Farmers' Mutual Benefit Association, they agreed that "our future success and welfare depends upon concerted action." They confederated their organizations and elected J. M. Thompson, master of the Illinois State Grange, president of the confederated body. It was agreed that each of the confederated organizations and all of their members would adhere to the following program: No state nominations would be made by them as a third party but in the case of "all legislative, senatorial and congressional nominations, we demand of all candidates that they be publicly pledged . . . and we will support no candidate not so pledged."

The confederation issued a public declaration in favor of the free and unlimited coinage of silver, election of senators by popular vote, an income tax and a law prohibiting all dealings in "futures" in farm products. The McKinley Bill, further increasing the cost of the necessities of life had just been passed and this helped the confederation in the way of obtaining pledges. The result of following this program was measurably successful. The confederation succeeded in electing fifty Democrats and fifty Republicans, all of whom were publicly pledged to the farmers' program, and three members of the Farmers' Mutual Benefit Association, as "independents." This Legislature, it was known, would be called upon to elect a United States senator from Illinois to succeed the Republican Senator Farwell, whose term would expire in 1890.

As a result of this election there were in this Legislature 101 Democrats, fifty of whom were pledged to the farmers' program; 100 Republicans, fifty of whom were also so pledged, and three out-and-out Farmers' Mutual Benefit Association members. Neither the Republicans nor the Democrats could elect a senator without the Farm Alliance support. The Alliance placed in nomination for senator A. J. Streeter, a tried and trusted radical leader who held identical views with them on the money question and in his opposition to corporate greed and rapacity. The struggle for the election of a United States senator lasted for about two months and the Farmers' Association stood firm for their candidate, waiting patiently for the time to come when either one of the antagonistic major parties would be compelled to accept their candidate. In March the Republicans began making overtures to Streeter, who was not a member of the Legislature, seeking concessions from him as to his future course if elected. They found him in a yielding mood, and after satisfactory conferences with the Republican negotiators he prepared a speech of acceptance of the nomination which he submitted to his three Farmers' Association backers. This settled his fate. The concessions he had made to the Republicans as disclosed in his speech were such as in the opinion of his Farmers' Association backers unfitted him to represent the independent organization. As a consequence, two of the three members of the Farmers Mutual Benefit Association who had voted for him loyally for two months, bolted his candidacy and voted for the Democratic candidate, ex-Governor Palmer, and elected him senator. Palmer's past vigorous and progressive record, as well as his stand against the Pinkertons two years before when he was a candidate for governor on the Democratic ticket, commended him to them. His fight for governor in 1888 made him United States senator in 1890.

CHAPTER LIX

BIRTH AND DEATH OF THIRD PARTIES BETWEEN 1872 AND 1892

During the twenty years that elapsed between 1872 and 1892 there was great political unrest among the people of the State of Illinois and its neighboring states. The Republican party in the state and nation was in complete control of both. Many of the ablest leaders in the Democratic party who had in the past helped to shape the policies and destinies of that party had left the Jeffersonians in the '50s as a protest against the attempts of the Southern Democrats to implant slavery in the Western territories. Among these were such sterling Democrats as Trumbull, Palmer, Long John Wentworth, John A. Logan and McClernand.

When, upon the election of Abraham Lincoln to the presidency, the Southern extremists fired upon Fort Sumter and attempted to break up the Union, these Democrats and thousands of the rank and file of the Democratic party permanently allied themselves with the new-born Republican party. When the rebellion was crushed and the triumphant Republicans were installed in office in the state and nation, those Democrats who still voted the Democratic ticket because of their loyalty to the party which had maintained the principles of Jefferson and Jackson and preserved the Constitution of the United States and controlled its destinies for over half of a century, continued to uphold the name and organization of the Democratic party and vote the Democratic ticket.

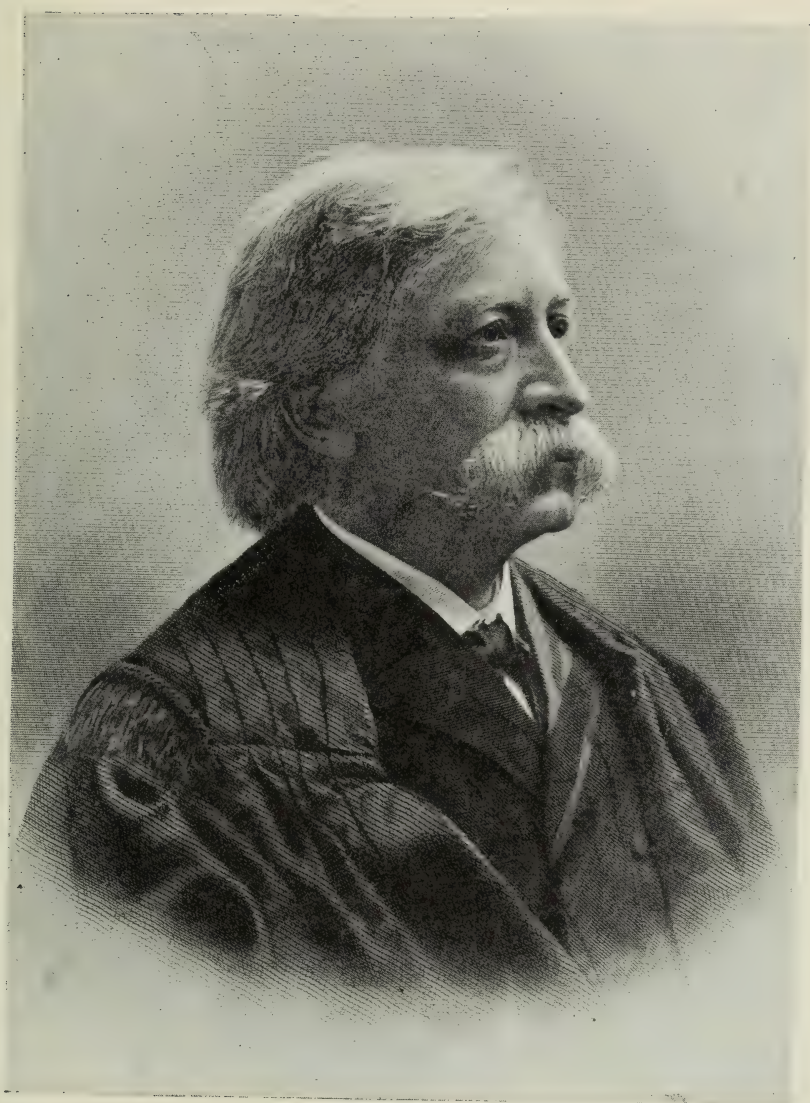
Because of the disloyalty to the nation of the Southern Democracy, the name and party had suffered an odium which was not deserved by the rank and file of the Democrats of the North. While at times they protested against the violation of constitu-

tional rights that officials, both civil and military, were guilty of in the Northern states, such as arrests of men guilty of no crime and the suppression of papers, the Northern Democrats as a rule were loyal citizens and opposed to secession and rebellion.

The great body of Democrats in the Northern states was as loyal to the Union as was the Republican party. The only differences were as to methods—the use of means to ends. The Democrats were found in every line of endeavor, in the suppression of the rebellion. They made up a very large part of the rank and file in the army, they counseled in the halls of legislation, they commanded on the field of battle, and helped to keep the home fires burning in the loyal states. In fact many of the most dependable men in the Republican party from 1856 to 1866 were formerly Democrats, notably Logan, Trumbull, Palmer, Wentworth, Ingersoll and others. (Smith's *History of Illinois*, Vol. III, pp. 150 and 151.)

The rebellion was in its almost final stages of collapse when the presidential election of 1864 was held, and the Democrats as the campaign neared its end had no hope of electing McClellan as against Abraham Lincoln, the Great Emancipator and patient leader in the war to save the Union, which was on the verge of complete success. The murderous taking off of this great, kind-hearted man at such a time was not only a tragedy for the nation, but proved to be a great disaster for his party. Shortly before his death he had indicated that his policy towards the people of the rebellious states in the future would not be vindictive, that the war had put to death both human slavery and the alleged right of secession, the two questions that had distracted and embroiled in blood the people of the United States, and these matters having been disposed of, that the erring and rebellious children of the South should be encouraged to accept the result with resignation and to reenter the Union of States, concede its indissolubility forever and again become loyal citizens of the great republic.

Had he lived to serve out his second term as President it is highly probable that his power and prestige, in his own party and in the nation, would have enabled him to carry out this



MELVILLE W. FULLER, CHIEF JUSTICE U. S. SUPREME COURT
1888-1910

policy of reconciliation and cause a spontaneous reunion of states both in the hearts and brains of the people as well as in the constitutional amendments and laws pursuant thereto.

Upon Lincoln's untimely death, Andrew Johnson, vice president, became President of the United States. He was a prominent Democrat in the State of Tennessee before his nomination as vice president on the Lincoln ticket and was nominated because of his loyalty to the Union and his opposition to secession. It was considered good policy at the time, by the Republican leaders, because it would tend to conciliate the border states and obtain their votes for the Republican ticket.

Johnson's loyalty to the Union and his condemnation of the leaders of the rebellion were expressed by him in such rude and emphatic language that he incurred the concentrated enmity of those who joined the rebel armies. Their opinions of Johnson were as emphatically and coarsely expressed as were his of them. When installed as President he probably remembered some of their criticisms of himself and promptly stated that he did not intend "to pursue any policy which would prevent the Government from visiting punishment on the guilty leaders who caused the rebellion." At this time there was an element of the Republican party, then in power, which was advocating a drastic policy of vengeful punishment for all who were prominent in the Confederacy. It was led by Thaddeus Stevens in the House and Senator Sumner in the Senate. They contended that the seceding states had committed "state suicide" and that they had no right to ask clemency or consideration as erring and sinful brothers. They were entitled only to such treatment as would be accorded to a conquered nation. To these men Johnson's first utterance was sweet music. They had been disgusted with Lincoln's policy of conciliation and welcomed a change towards vigorous, punitive treatment of the rebels. Their joy, however, was short-lived.

Johnson had been born and raised in the South, in an atmosphere where slavery had been regarded as an economic and necessary "institution," solemnly secured to the Southern states by the Federal Constitution, and where the doctrine of states' rights was venerated and jealously guarded. Johnson had

parted company with his Southern brethren when they stretched the doctrine of states' rights to include the alleged right to secede from the Union. Johnson's early environment, training and what little education he had painfully and laboriously acquired by self-instruction, had made him a states' rights Democrat, but without impairing his loyalty to the nation. When secession was invoked as one of the rights of a state, he revolted and during the rebellion loyally worked and spoke for the preservation of the Union. All his life he remained a "War Democrat." When the war was over and he found himself President of the nation, he at first felt called upon to declare that he favored "punishment of the guilty leaders who caused the rebellion." They had caused the death of hundreds of thousands of American citizens, destroyed billions of dollars worth of property, burdened the nation with an enormous debt, and brought untold suffering and destitution into the homes of Americans. As time went on, however, he soon heard the appeals of conservative and patriotic citizens, both Democrats and Republicans, for conciliation and mercy to the women, children and dependents of the dead and disabled Confederate soldiers, whose bravery had been proved on a hundred battlefields and who had been but a few years before their fellow-citizens.

When the radical Republicans, led by Thad Stevens and Senator Sumner in Congress, cried "woe to the conquered," and began to enact laws giving full suffrage rights to the ignorant and untutored black freedmen, disfranchising Southerners that had participated in the rebellion, and thus placing the white men and women in the South in the legislative, judicial and official power of their former slaves, Johnson's old states' rights training asserted itself and he parted company with the radical leaders of the Republican party who were in control of both houses of Congress. When Congress passed laws, the effect of which was to place the negro on the same plane of social equality as the white man and in effect would place the white race at the mercy of negro legislation and law administration, President Johnson promptly and energetically used his veto. As a result thereof there arose under the administration of President Andrew Johnson the bitterest conflict between the executive and

legislative departments in the history of the United States. So enraged were the radical Republicans that the House of Representatives drew up, and presented to the Senate, articles of impeachment of the President of the United States, the only instance of such procedure in American history. Fortunately for the nation, its history was not marred by the conviction of its chief executive. Enough sensible, level-headed men were found among the Republican members of the Senate to avert that national disgrace, but only barely enough. The President escaped conviction by the narrow majority of a single vote and the State of Illinois furnished that vote.

A two-thirds vote in the Senate was necessary to conviction. The vote when taken disclosed thirty-five votes for conviction and nineteen for acquittal. The transfer of a single vote from the negative to the affirmative would have resulted in a conviction. Among the nineteen votes for acquittal, let it be said to their credit, were seven Republican votes. Among them were Senator Doolittle of Wisconsin and Senator Trumbull of Illinois. Trumbull's explanation of his vote is worthy of historical record. It displays the intellectual strength and moral worth, of a statesman who could rise above the passions of the hour, and preserve the dignity of his country at the expense of party subserviency. When called upon to vote he arose in the Senate and said:

It is not a party question I am to decide. I must be governed by what my reason and judgment tell me is the truth and justice and law of this case. Johnson has violated no law; it has not been shown that he violated the Constitution. I cannot vote to convict and depose the chief magistrate of a great nation when his guilt has not been made palpable by the record. Once set, the example of impeaching a President for what, when the excitement of the hour shall have subsided, will be regarded as insufficient causes, and no future President will be safe In view of the consequences likely to follow from this day's proceedings, should they result in conviction, on what my judgment tells me are insufficient charges and proofs, I tremble for the future of my country. I cannot be an instrument to produce such a result.

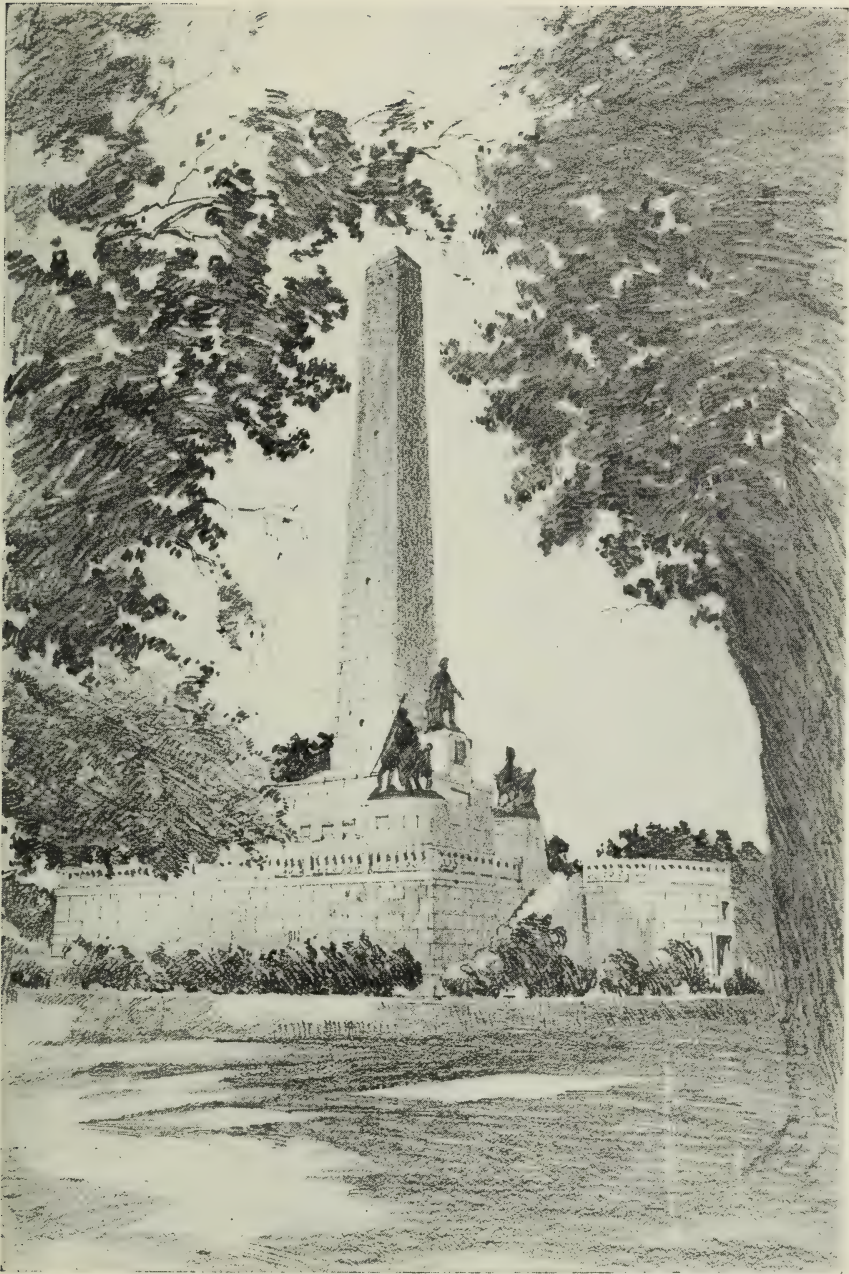
Illinois had become nationally prominent among all the states before the Civil war by the celebrated Lincoln-Douglas debates and by the election of its favorite son to the presidency; during the war by exceeding the quota of volunteers allotted to it by President Lincoln, and furnishing to the nation the brilliant commander of the Union armies, who led them into the Confederate capital, Richmond, and crushed the rebellion; and now, in peace, it again gained national prominence by furnishing to the nation a distinguished statesman-senator whose vote, righteously cast upon high moral and patriotic grounds, saved the country from the awful mistake of impeaching its chief magistrate and executive at the demand of party but not of patriotism and justice.

The attempt to convict and remove President Johnson following certain harsh legislation for the "reconstruction" of the Southern states, had produced considerable friction in the Republican party and much dissatisfaction among the rank and file of Republican voters in Illinois. The Republicans suffered serious losses in the county elections of 1867. The usual Republican majorities in Peoria, Mason, Fulton and other counties had been changed into minorities. Party leaders, both in Illinois and throughout the country, deemed it unwise to nominate for Johnson's successor any radical Republican who had been favoring Johnson's conviction by impeachment, or any conservative Republican who had opposed the same. John A. Logan, who had been most active in the House of Representatives in procuring Johnson's impeachment, was being bitterly denounced by conservative Republicans, while Senator Trumbull, whose vote had saved the President from conviction, was meeting with the same treatment from the radical Republicans.

The Republican President-makers decided it would be a political blunder to select any prominent Republican because each and all of them had been aligned with one or the other side of the bitter controversy about reconstruction and impeachment. They must have a vote-getter. Only a popular man who had not been involved in the party squabbles could attract votes. Finally they had an inspiration. Who so popular as Gen. U. S. Grant, the only commander-in-chief of the Federal armies who

succeeded in crushing the rebellion? It is true he had been a Democrat. But he was a soldier, not a politician. He was appointed commander-in-chief by a Republican President, had obeyed the orders of that President, and had won the war. He owed his great name and fame to the party that placed him in a position to attain them. He had never talked politics while a soldier. He was not a "Democrat to hurt." He was the idol of the American people. Every successful military man became a popular idol. Washington, a successful general, became President. Jackson was the first and soon became the second. This was true also of Zachary Taylor and Tippecanoe Harrison. The sansculotte of Paris voted for Bonaparte a few years after the French Revolution and made him emperor of the French. Grant must be nominated. It is true he knows nothing about politics, or statecraft, but he had been a soldier and always obeyed orders. To his great surprise, the gruff, taciturn soldier who had no experience in politics, excepting that of casting a citizen's vote on election day, was drafted by the shrewd and wily leaders of the Republican party and nominated by acclamation for the presidency. The sleepy Democrats had been forestalled and were taken completely off their feet by the Republican move. Whether any of them had this same move in contemplation at this time for the Democratic ticket, I have found no trace of, in history. If they had, it never developed into action.

The Democratic party then selected to oppose Grant, Horatio Seymour, governor of New York, and organized a campaign for his election, which was hopeless at the start in view of the tremendous popularity of the wartime idol. Gen. Ulysses S. Grant was elected by a huge majority. Within two years after the inauguration of General Grant as President of the United States, serious dissatisfaction began to be expressed within the ranks of the Republican party over the conduct of affairs in the nation. Some of the ablest minds in the party criticized openly and emphatically the policies and conduct of the Republican administration. The Republican party had been in control for ten years and they pointed out that little or no progress had been made in pacifying the Southern states or in reforming the tariff or establishing civil service. The Democrats began loudly to de-



LINCOLN TOMB, SPRINGFIELD

nounce the Republican administration as corrupt and profligate and to ridicule Grant and his convivial military intimates and appointees.

Many high-minded Republican leaders, such as Senator Trumbull, noted with dismay that many of Grant's official actions were influenced by private interests and his personal likes and dislikes, that he appointed his relatives and intimate friends to office and harassed his enemies, that he freely accepted gifts of large value, and appointed to office men who were poorly or wholly unqualified for same. Many earnest, able Republicans in Illinois became convinced that their party in the state and nation had come tainted with corruption, and that under Grant the tariff would not be reformed, the South pacified or civil service or honesty in public life enforced. While Grant's apologists claimed that he was not a statesman but a "simple soldier" and that his "mistakes" were of the heart and not of the head, this did not alter the situation as to the effect of these mistakes upon the country.

Senator Trumbull, General Palmer and many other leaders of the Republican party in Illinois determined that Grant's renomination by the party would be disastrous and that they could not support him in a campaign.

The Liberal Republican Revolt.

An anti-Grant movement was started by Republican malcontents in Illinois in 1870 and made great progress in the following year. In Washington many Republican senators, eminent in the nation, such as Sumner, Fenton, Cox, Schurz and Forney, had openly advocated with Trumbull the formation of an anti-Grant movement. Joseph Medill and Horace White declared in their paper, the *Chicago Tribune*, that it was now independent in politics. The *New York Tribune* became an anti-Grant newspaper. Many other influential Republican papers, such as the *Springfield Republican*, *Philadelphia Press*, *New York Post*, *New York Nation* and *Missouri Democrat* were antagonistic to the Grant administration. Early in 1871 dissatisfied Republicans in the State of Missouri called a mass meeting to consider what action fair-minded Republicans should take in view of the bad record made by the Republican administration under Grant.

This meeting adopted resolutions in which it called its members "Liberal Republicans," recommending reconciliation with the South, general amnesty, reduction of the tariff and civil service reform, and denouncing the use of presidential patronage as it had been used by President Grant. This meeting also called for a mass convention of all Liberal Republicans to meet at Cincinnati in the following May.

A quick response came from Illinois. In March, the disaffected Republicans of that state prepared and signed an address to the Missouri Liberal Republicans, signed among many others by Governor Palmer, Senator Trumbull, Judge David Davis, the secretary of state of Illinois, its auditor, superintendent of schools and attorney-general. This address favored amnesty to the South, preservation of constitutional rights, tariff for revenue, civil service reform, and abolition of corruption in public office, and expressed the hope that the Missouri movement would spread throughout the nation. The anti-Grant "Liberal Republican" movement opened with a bang, held its convention at Cincinnati in May, and, if properly and skilfully managed, probably would have been a great success. It was supported by many powerful Republican and independent papers throughout the country and it numbered among its delegates many of the ablest, most high-minded and intellectual members of the Republican party. They lacked, however, the shrewdness and adroitness of practical political wire-pullers.

At the inception of the movement, its managers had in mind only the passage of such necessary and emphatic resolutions as would fully inform the voters of the country of the corruption and maladministration of the Grant administration, without making nominations as a party for the presidency. If the convention had adhered to that plan, passed the necessary resolutions and adjourned, to meet at the times and places fixed by the Democratic and Republican conventions, and then take final action as to candidates, it would in all probability have accomplished its purpose. When the regular Republican convention met in June, the Liberal Republicans would have had an opportunity to confer with the regulars as to the selection of a candidate other than Grant, and if that were refused and Grant

was nominated, despite their protests, the Liberals could have adjourned to await the meeting of the Democratic convention, when again they would have had an opportunity to confer as to the Democratic candidate. They might have been able to agree with the Democrats upon a candidate, and if that failed they could have had the opportunity to endorse the least objectionable of the regular Republican and Democratic candidates, or to have nominated a candidate of their own and placed a third ticket in the field. Trained and tried politicians would have adopted this course.

When the Liberal Republican convention met it seems that the number and enthusiasm of the gathering operated to enlarge the scope of action. Instead of confining itself to the adoption of a suitable set of resolutions setting out the cause for the holding of the convention, and exposing the evils complained of and demanding the removal of the same, the convention finally determined to nominate candidates for the presidency and vice presidency. It was a fatal blunder. There were no "regular" Republicans or "regular" Democrats in the assemblage whose advice might have been profitable. In selecting their candidates, therefore, the delegates inescapably selected men who felt and acted as they did—in other words, a Republican formerly regular and now anti-Grant. They finally selected as candidate for the presidency the most intensely anti-Grant man whose name came before the convention, Horace Greeley. It was a sad political mistake. Among those whose names were presented to the convention for nomination to the presidency were: Charles Francis Adams, David Davis, Lyman Trumbull and Gratz Brown, any one of whom could have been less objectionable to those voters who would not vote for Grant. Greeley was the outstanding high priest of the "robber tariff," and his vitriolic pen had been for years heaping vituperation and abuse upon the Democrats, which still rankled in every Democratic breast. The platform adopted was excellent as far as it went. Among other things it declared that Grantism and its mass of corruption must be ended, and that the hatred between the North and South must be assuaged by the complete and immediate removal of all political disabilities, but the candidate for the presidency, while

able, was from the Democratic standpoint eccentric and unpopular.

For a short time after the Liberal Republican convention adjourned, some enthusiasm for the nominees was manifested, but a reaction soon set in. The regular Republicans soon came to the conclusion that Doctor Greeley's past prescriptions had not set well upon the Democratic stomach and that he could not rely upon Democratic votes. They met in June and with much confidence renominated the "hero of Appomattox" and the "Savior of the Nation." They were quite confident that the "mistakes of the simple soldier" would be forgotten when the people recalled the great services he had rendered the nation in the hour of its greatest peril. They were right, as it turned out on election day.

The Democrats were placed in an awkward predicament when they assembled in national convention in July. The rank and file of the party were much dissatisfied with the candidacy of Horace Greeley on the Liberal Republican ticket. The Democrats could not forget his past abuse, or that he was a fanatical high protectionist, and they had no enthusiasm in his behalf when he became a candidate in their convention. Nonetheless they had to endorse Greeley or lose the support of the Liberal Republicans if they nominated another candidate. They knew from the experience of 1868 that Grant was popular and that there was magic in his name. He had received 214 electoral votes in 1868 to eighty cast for Governor Seymour. Unless the Democratic party could, with the aid of the Liberal Republicans, carry more states and gain more electoral votes in 1872 than they had in 1868, the case for the Democratic ticket looked hopeless. It was a case of "Hobson's choice" with the Democrats. If they nominated their own candidate, the Liberal Republican vote would be cast for Greeley and lost to them. With wry faces and little enthusiasm they endorsed Greeley, and Brown for vice president. The Liberal Republicans in Illinois placed a formidable battery of campaign orators on the stump, including Trumbull, Palmer, Carl Schurz and Long John Wentworth, and the *Chicago Tribune* endorsed the Greeley ticket.

The Liberal Republican party in 1872 proved to be prolific of leaders, but wanting in privates. The Democrats succeeded in polling most of their vote for the Democratic ticket, but the disaffected Republicans failed to develop any considerable strength either in Illinois or the nation. The result of the election was that Grant received 286 electoral votes, while Greeley received only sixty-three. In the State of Illinois the Grant electors received 241,237 votes and Greeley received 184,772. Oglesby, the Republican candidate for governor, received 237,774 votes as against 197,084 cast for Gustavus Koerner, the Democratic candidate. The Liberal Republican party was short-lived. Born in June, 1872, it proved to be a weakling, and died in November of the same year.

The Granger Movement.

By the early demise of the Liberal Republican movement and the defeat of the Liberal Republican-Democratic ticket, the Republican party in the State of Illinois and the nation was given a new lease of power. Dissatisfaction with the radical Republican rule, however, did not abate or die down. Among the farming element, particularly, there was great unrest and discontent with Republican methods. The rapid enhancement of the value of farming lands in the '50s and '60s, and the great increase in the prices of farm products occasioned by the Civil war, had induced most of the farmers to vote the Republican tickets in Illinois and its neighboring states. They believed themselves prosperous until the close of the Civil war. When peace was restored, however, the prices of farm products began to fall rapidly. The high protective tariff created during the war to pay for the cost of the war and for the encouragement of American manufactures had raised the price of clothes, household furnishings, agricultural implements and the other necessities of the farmers' life enormously. The farmer in the early '70s found his cost of living outrageously increased and the price of everything he produced on the farm woefully lowered, all for the benefit of the manufacturers of the East and in the big cities, and to the injury of the farmer.

The railroads, which the farmers had first acclaimed as the great essential for farming prosperity (many of which had been

built in the past by taxation on the farmer to pay for "county and municipal railway aid" bonds, voted for by the farmers), were fatuously pursuing the selfish policy of charging the farmers "all that the traffic would bear." Not only were the passenger rates excessive, but, worse still, the railroads fixed such freight rates for grain, hay and stock raised on the farm that after the farmer paid the same to ship his products to a central market he found himself with not enough profit to pay interest upon his mortgage and laborer's wages for himself.

Up to the time of the adoption of the Constitution of 1870 there was no constitutional method by which the Legislature of the state could control or regulate the freight and passenger rates of the railroads. The railroads arbitrarily established their own schedules of rates and enforced collection of same. Worse still, they discriminated between shippers, gave rebates to some and denied them to others, and in some places charged more for a "short haul" than for a "long haul." These glaring abuses caused the framers of the Constitution of 1870 to incorporate therein two clauses to put an end to the same. Section 12 of the Article on Railroads provided that all railroads should be "declared public highways" and ordered that "the General Assembly shall, from time to time, pass laws establishing reasonable maximum rates of charges for the transportation of passengers and freight." Section 15 of the same article declared: "The General Assembly shall pass laws to correct abuses and to prevent unjust discrimination and extortion in the rates for freight and passenger tariff." The insertion of these sections in the new constitution was the first intelligent and effective effort made in the State of Illinois to control railroad discrimination and extortion. The incorporation of these sections in the Constitution of 1870 was largely the result of the organized action of the farmers in agitating and exposing their grievances before the constitutional convention.

In the office of the *Prairie Farmer*, a journal devoted to the welfare of the farmer, the first "Grange" was organized in 1868. A few more were organized in 1869 and 1870. During the Liberal Republican agitation in 1872, sixty-nine more granges were formed. In 1873 there were organized 761 more granges and

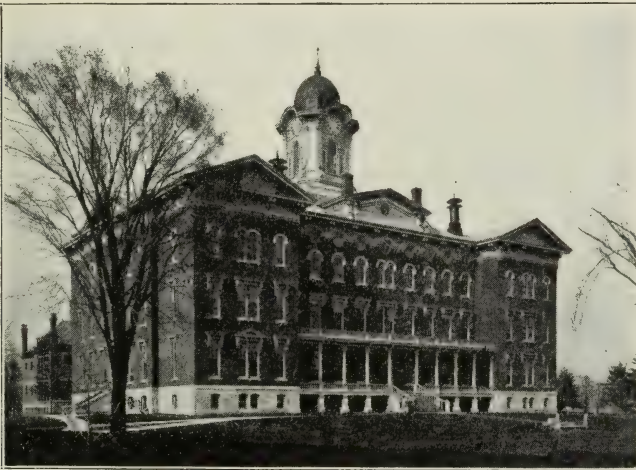
in 1874 some 704 more granges were instituted. After the adoption of the 1870 constitution, the farming interests appeared in Springfield and demanded that the Legislature enact laws controlling passenger and freight rates as provided for in the constitution. They were successful. Sixty-five members of the Legislature organized themselves into the Legislative Farmers Club. The Legislature promptly enacted the Railroad Act of 1871, which declared that charges for a long haul should never be equal to or less than charges for a short haul; that handling and storage should be uniform, and that no road could charge a greater mileage rate on one portion of its line than on any other portion. It also passed a law regulating the charges and management of warehouses and created the Railroad and Warehouse Commission.

When the effort was made to enforce these laws, the railroads and warehouse corporations promptly assailed them in the courts as unconstitutional, confiscatory and violative of vested rights. Two cases were instituted by the farmer friends of the law against the railroads. One of them sought to enforce the maximum passenger rate fixed by the law. The other sought to prevent the railroad defendant from charging a higher rate on a short haul than it charged for a longer haul. In both cases, on appeal to the Supreme Court of the state, the defendant railroads were successful and the plaintiffs denied relief. In the latter case Justice Charles B. Lawrence, chief justice of the Supreme Court, delivered the unanimous opinion of the court, declaring the law violative of the state constitution, but not of the Federal Constitution.

These decisions enraged the farmers of the state to such a degree of exasperation that they amalgamated all the loosely managed granges and farmers' clubs into one compact organization called the Illinois State Farmers Association, which announced that it was useless to rely upon "legislators or courts whose pockets are filled with free railroad passes." *The charge that these public officials held and used such free passes was undeniably true. This scandalous practice was not only in existence then, but it continued unabated throughout the state until the writer of this history was elected governor in 1912. The*

Public Utility Law, which I inspired and succeeded in having passed during my term of office, contained a provision prohibiting the giving or acceptance of passes or gratuities by railroads or other utilities, and since the passage of that law there has been no free pass scandal in the State of Illinois.

The Illinois State Farmers Association promptly decided to get actively into politics, and called a State Farmers' Convention to meet in Springfield in April, 1873. It became necessary to amend the laws passed attempting to regulate the railroads and warehouses and the Legislature was then in session. The



FIRST NORMAL SCHOOL BUILDING, NORMAL

farmers in their own convention organized a vigorous lobby which found a railroad lobby already in the statehouse. The farmer lobby, however, finally prevailed, and the Legislature in May passed the railroad law of 1873 which was much stronger and legally effective than those heretofore enacted.

The Democratic party encouraged and aided the farmers' movement. The Republican party, fearing that the farmers' alliance might endanger their tenure of office, condemned the movement as an attempt to obtain special legislation for a special class by political threats and intimidation. The *State Jour-*

nal, the Republican organ, charged that the movement was the result of "the efforts of Democratic bummers and dead beats assisted by a few theatrical agriculturists." (Quoted in *Illinois State Register*, July 11, 1873.)

The first test of the strength of the farmers' movement came at the judicial election in June, 1873. Chief Justice Lawrence, who had delivered the decision of the Supreme Court in one of the railroad regulation cases in favor of the railroad, was a candidate for reelection, and although strongly supported by the bar was decisively beaten by Alfred M. Craig, a lawyer supported by the farmers. An election was held in the Second Supreme Court Judicial District, also, for a place on the Supreme bench, and in the twenty-six circuits of the state for circuit judges. The result was that nearly every candidate that was backed or nominated by the farmers was elected. Thereafter the farmers seemed to have had but few criticisms of the Illinois courts. The Munn case sustained the right of the Legislature to regulate the charges and operations of public warehouses, and since 1873 the right of the Legislature to pass reasonable laws regulating the charges and operations of railroads and warehouses has not been seriously questioned in judicial decisions. There may be some homely and humorous truth in the statement of my friend and namesake, Peter Finley Dunne, that "the Constitution follows the flag and the judges follow the election returns."

The farmers, however, were not content with their judicial victories in June. They had tasted political blood and wanted more. In the November elections of 1873 they placed "anti-monopoly" candidates of their own in the field for election in sixty-six of the 102 counties of the state for county offices. They carried fifty-three of the sixty-six. The Democrats carried only twenty, the Republicans only sixteen, and "Independents" only thirteen.

The organization which under the name of Anti-Monopolists had achieved these remarkable political results in 1873 continued in existence in 1874 and called a convention to be held at Springfield in June, addressed to the "farmers, mechanics, laboring men and others . . . in opposition to the corporate monop-

olies controlling our legislatures, courts and executives and taxing and oppressing our citizens." The convention met, adopted a platform demanding retrenchment of governmental expenditures, repeal of the national bank law, more efficient civil service laws, the replacing of national bank notes with legal tender currency of the United States, and reduction of the tariff, and nominated David Gore for state treasurer and Samuel M. Etter for superintendent of public instruction. The Democrats held their state convention in August, 1872. As the Anti-Monopolists had committed themselves to the "greenback" policy, and as the sentiment of the Democracy favored payment of all national indebtedness in gold and silver (bi-metallism), the Democrats could not endorse the Anti-Monopoly platform. The Democrats, however, felt friendly to the Anti-Monopoly movement and endorsed the nominee of that party, Samuel M. Etter, for superintendent of public instruction, but nominated for state treasurer Charles Carroll, a Democrat. The result of the election was that Etter, the fusion candidate for superintendent of public instruction, was elected, but the Republican candidate for state treasurer, Ridgeway, was successful. The Republicans failed to elect over six congressmen at this election. This demonstrated that the Anti-Monopolists in 1874 still held the balance of political power in the state. This was the last appearance in public of the famous Grange and Anti-Monopoly parties. Their main grievances had been the excessive charge and discrimination practiced against them by the railroads and warehouses. When these grounds of complaint had been adjusted by legislation and judicial approval of same, their zest for other reforms began to fade. Thenceforward the farmers of Illinois reverted to their old political affiliations or joined the new party of discontent which soon appeared upon the political stage as the Greenback party.

The Greenback Party.

In May, 1876, a new political party sprang into being under the name of the Greenback party. Illinois and the Western states were debtor states. A boom had started in the Western states after the close of the Civil war. Land and other com-

modities were purchased largely on credit. The indebtedness so incurred was evidenced by promises to pay in American legal tender "dollars." At the time this indebtedness occurred the "dollar" was evidenced by American currency or legal tender greenbacks and was greatly depreciated in value as compared with the gold dollar.

The capitalists and money-lenders of the East organized a movement for the resumption of specie payments and to that end succeeded in getting the Federal Treasury Department to retire much of the greenbacks in circulation and the issuance in place thereof long-time interest-bearing bonds, payable in specie. This was done so rapidly that the greenbacks left in circulation (and the only medium of exchange) became inadequate for the needs of business transactions and rapidly advanced what was in circulation in value by the gold standard. The result was that the creditor who had loaned greenback money to the debtor when it was worth only fifty to sixty cents in gold, now demanded and was able legally to collect dollars that were worth in gold over ninety cents. In effect, the indebtedness of the debtors in the West was almost doubled. Then came the financial panic of 1873. Congress attempted to allay popular discontent over this situation by passing a law to increase the volume of legal tender currency, which was vetoed by President Grant. In 1875 the Republican Congress passed a specie resumption act which further increased the burdens of the debtor and caused much indignation and resentment in Illinois and the Western states.

In February, 1876, popular discontent in Illinois manifested itself by a call for an "independent" convention at Decatur, which was attended by about 300 indignant and insistent delegates, most of whom were farmers and laborers. Sixty-five Illinois counties were represented. The convention adopted a platform which in part read: "We demand the repeal of the specie resumption and national bank acts, and the substitution of legal tender paper money for the national bank circulation which money shall be legal tender in payment of all debts except the present public debt that is by the express terms of the law creating it made payable in metallic

money." The convention placed a full ticket in the field for state offices, headed by Lewis Steward, its candidate for governor. In May, 1876, those voters throughout the country who favored the greenback doctrine met in national convention at Indianapolis, adopted a platform which was in substance the same as was adopted in the Decatur convention, and nominated Peter Cooper, the philanthropist from New York, as their candidate for the presidency. The movement outside of Illinois and some of the Western states did not seem to attract substantial popular support.

The Democrats in Illinois were placed in a quandary when they met in their state convention at Springfield, July 27. The Democratic National Convention had met, adopted a national Democratic platform, and nominated Samuel J. Tilden for the presidency and Thomas A. Hendricks for vice president. There was some sentiment among them for "soft money," but the great mass of the party were in favor of temperate and judicious legislation to bring about specie payment. The Democratic national platform, already adopted, had vigorously assailed the Republican fiscal policies and legislation, but declared in favor of the resumption of specie payments by conservative legislation. The Democrats of Illinois, therefore, in state convention ratified the Democratic national platform and then took up the question of a fusion state ticket with the Greenbackers. The massing of the votes of the Democrats and Greenbackers behind fusion candidates promised success for those agreed upon, owing to the bitterness displayed by the Greenbackers against the "gold bugs." A compromise was finally agreed upon. The Democrats endorsed Steward, the Greenback candidate for governor, and Hise, the Greenback candidate for auditor, and nominated Democrats for the other state offices.

The Republicans of Illinois had May 24 met in convention at Springfield, endorsed all the acts and doings of the Grant administration, including its fiscal policy, and nominated for governor Shelby M. Cullom, a shrewd and able organizer, who was popular among the rank and file of his party in the central and southern portions of the state. He received 387 votes in the convention as against eighty-seven cast for the sitting gov-

ernor, Beveridge, who was a candidate for renomination. Beveridge had proved to be anything but popular during his administration of the office.

The results of the election again proved the weakness and unreliability of third-party movements. Although Tilden and Hendricks proved to be very strong and popular candidates and secured a popular majority of the nation, and were, as most of the people believed, actually elected, the State of Illinois failed to support them and give its electoral votes to the Democratic ticket. Hayes carried Illinois for the presidency by about 20,000 plurality and Cullom was elected governor over the Greenback-Democratic nominee by about 7,000 plurality.

This was the end of the Greenback party in the nation and state. A negligible remnant of the party placed Gen. B. F. Butler in the field as their presidential candidate in 1884, when Cleveland was elected President, but he did not secure a single vote in the electoral college.

The experience of third parties in Illinois up to this time were substantially alike. They sprang into being as the result of real grievances against corruption in office or the selfish, Shylock methods of the money power. They lacked political sagacity and wire-pulling adroitness and above all they lacked money to sustain and develop organization. The rank and file of such movements were, as a rule, of moderate means. They had no campaign funds and no office-holders upon whom to levy campaign assessments and no newspapers to spread their gospel. Except in the judicial elections of June, 1874, none of the three independent or "third" parties succeeded in electing men to office or in punishing or removing from office the men and party that caused their grievances. They may have had some effect in restraining public officials from further excesses in office, but that is all. They were born in suffering and died early for lack of nutrition and popular encouragement.

The farmers' movement did accomplish some beneficent results. It threw the fear of popular revolt into the brains of their legislators, public officials and particularly the judges in the State of Illinois. It made their legislators and governor enact laws provided for in the Constitution of 1870, which curbed

the rapacity of the railroads and warehousemen and compelled the judges to construe the laws in accord with the constitution and the interests of the public.

To the student of American history, it is a matter of amazement that the Liberal Republican movement did not receive a more generous support from the Republicans of that day. The administration of Grant was the most scandalous and corrupt in American history. The intimacy of Grant and his brother-in-law, Corbin, with Jim Fisk and Jay Gould, when they, Gould and Fisk, were cornering the gold market; the outrageous grants given to the Northern Pacific Railroad controlled by Jay Cooke's bank during Grant's administration, and like grants to other railroads; the credit mobilier graft, and the disgraceful appointment of members of his own and his wife's family, who were wholly unfit, to office, and the acceptance by Grant of presents of great value from those who had been favored or expected to be favored by Grant, caused many of the leaders of that party to revolt and denounce these shameful acts. But the rank and file of the party still continued to vote for Grant and the regular Republican ticket. There can be only one explanation for their callous indifference to such conduct. The terrific sufferings of the Civil war in 1868 and 1872 were still fresh in the minds of the voters of the North. Old men who had lost their sons and sons who had lost their fathers and who now possessed votes, could and would forgive Grant for any mistakes he made in civil office. He had won the war, saved the Union, stopped bloodshed and was punishing the rebels. The mistakes of their President were overlooked because of their gratitude to their victorious general.

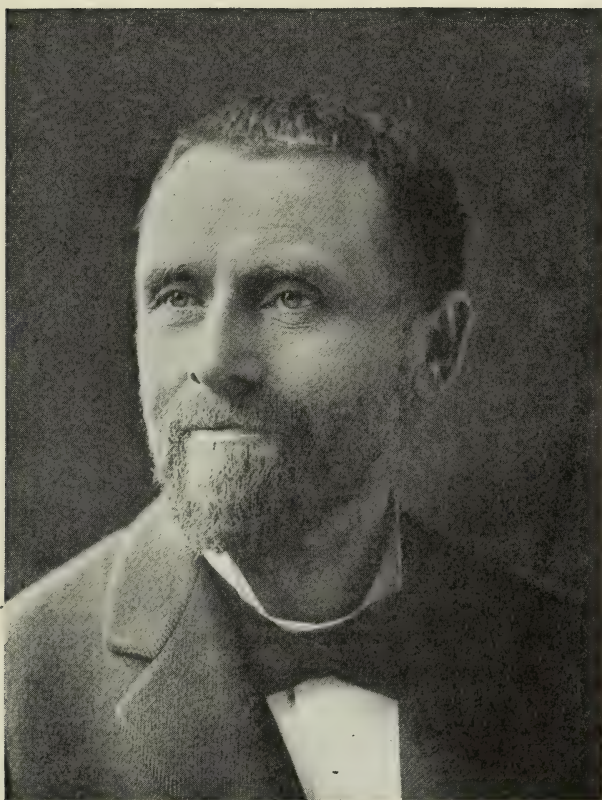
CHAPTER LX

JOHN P. ALTGELD ELECTED GOVERNOR

By the year 1890 the character of Illinois had wonderfully changed from what it was in the '70s and '80s. From a predominantly rich and productive agricultural state, it had become by 1890 the greatest manufacturing state west of the Alleghanies and the third in the Union. In coal production it had also become third in the country. Early in the '90s it had more railroad mileage in actual operation than any other state. Railway grants of lands and railway aid bonds had enormously enriched the owners of these roads. A high protective tariff had likewise enriched the manufacturers who had built up great enterprises.

The farmer and the laboring man, however, found that they were not sharing in the enormous wealth recently developed. There was in Illinois discontent on the farm and a rebellious spirit in the workshops. The dissatisfaction with existing conditions was voiced in the Grange movement, the Farmers Alliance, the Anti-Monopoly party, the Greenback party, and latterly in the Free Silver agitation. As long as it expressed itself in third party tickets it seemed to get nowhere. The Republican high protective tariff policy was found to be fattening the few and giving gaunt bodies to the real producers, the laboring man and the farmer. The former, in 1890 and thereafter, kept crying for the eight-hour day, factory inspection, safety devices, employers' liability, abolition of child labor and the right to organize. The farmers complained of railroad extortion and discrimination and the increase in the cost of the necessities of life occasioned by the protective tariff laws.

The efforts of the Republican party then in power to pass the "Force Bill" in the Southern states which would tend to



JOHN P. ALTGELD, GOVERNOR 1893-97

place the negro on a social and political parity with the white man, was creating bitter enmity not only in the Southern states but in Illinois and other border states. The Republican Congress in 1890 had just passed the McKinley tariff bill, which further increased the cost of all manufactured goods. Revolt against these Republican policies was in the air. In the congressional elections of 1890 it became a political tornado. When the votes were counted it was found that the Republican majority in the lower house of Congress of twenty votes had been wiped out and a Democratic House of Representatives had been elected with a majority of nearly 150 Democratic congressmen. In the face of this significant warning, the Republicans were still committed to their "idols," the high tariff and the force bill, and in 1892 they had the temerity to renominate President Benjamin Harrison, thus endorsing the policies which the people had resented at the polls. The Democrats nominated against him former President Grover Cleveland, now more popular than ever. The Republicans in Illinois renominated Governor Fifer. They believed that "Private Joe" was still a name to conjure with. The Democrats in Illinois, in selecting a candidate, found one who was ready and willing to make the contest, and who was also a private in the Union ranks during the War of the Rebellion.

In May, 1864, John Peter Altgeld, at sixteen years of age, a poor farmer's son and an emigrant from Germany, was an enlisted private in the One Hundred and Sixty-third Regiment of Ohio Volunteer Infantry, in Company C of that regiment. After the war he became successively a farm hand, a day laborer, a tramp, a teacher, a lawyer, a judge of the Superior Court of Cook County, a real estate speculator and a capitalist. But a few months before he was tendered the Democratic nomination for governor of Illinois, he had resigned from the bench in order to be able to give more time to his extensive private business. As in the case of Abraham Lincoln, his boyhood and early life were ones of abject poverty, hard manual labor and intense mental and physical suffering. For over twenty years from the day he went to work on a farm at thirteen years of age, he waged a constant, continuous fight against starvation and dis-

ease. He had experienced to the limit the sufferings and the agony of the poor and destitute. Like Lincoln, he had a limited education, and like Lincoln he was an avid and voracious reader and was practically self-taught. He became a great student of politics, sociology, criminology and kindred subjects and often ably discussed these matters in public speeches and in the papers. He accepted thankfully and with pleasure the Democratic nomination for governor, and promptly organized a campaign program which he proceeded immediately to carry on. By private conveyance and railroad he personally covered nearly every county in the state in a "hand-shaking" tour, making no set speeches, but conversing intimately with the leading farmers and laboring men in each and every community. He followed this up by speeches and public statements in the press in most of the prominent cities of the state. In these speeches and public statements he stressed as the main topics the monopolistic and burdensome effect of the Republican party's legislation and its extravagance in the state and nation. He early ascertained the resentment existing in private schools and in the parochial schools of the Lutherans and Catholics by reason of some of the burdensome provisions of the school laws passed while Fifer was governor. He declared that he was in favor of a compulsory education law, but that such a law should not contain provisions that were obnoxious and unjust to privately-conducted schools. He made this school question one of the principal issues of his campaign.

The result of the election proved that the people of Illinois, as well as throughout the nation, had tired of Republican misrule. In the November election Private John P. Altgeld received 425,497 votes, while Private Joe Fifer received only 402,659 votes. President Cleveland also carried the state and nation by very substantial pluralities.

A war Democrat, who had shouldered a rifle and fought in the ranks to save the Union, but an intensely Jeffersonian Democrat, now became governor of Illinois. His destitution and hunger during boyhood and early manhood had made him a humanitarian. His own sufferings made him sympathize with the ditch-digger, the factory employe and the farm hand. No

man had ever sat in the governor's chair in Illinois with a kindlier feeling for his fellow-man and with more human sympathy with human suffering and distress, than had John P. Altgeld. No more courageous man ever filled the chair. Yet no governor up to that time had ever a more stormy and tempestuous official career, and no occupant of that position was ever so roundly, fiercely and widely abused and denounced by his fellow-countrymen than was John P. Altgeld.

Upon assuming the gubernatorial office he found that the Democrats controlled the Legislature in both houses by two narrow majorities. It had a majority of five members in the Senate, but only a majority of three in the Lower House. Many of the Democratic members were not in sympathy with some of Altgeld's recommendations for legislation. The compulsory education act was amended to meet his views, but most of his other recommendations were quietly ignored. He requested among other measures the abolition of certain offices which he regarded as useless, and a reform of the Practice Act, but failed to secure their passage. He also recommended a vigorous "sweatshop" law, which was passed in a weakened form. His recommendation for liberal appropriations for the State University and other state educational institutions, however, were adopted. In legislation for the protection of young children in factories he prevailed, and he succeeded in getting the Legislature to limit the daily employment of women to eight hours. In all other respects the Legislature paid but little attention to his recommendations. He appointed earnest and honest factory inspectors, chief of whom was Mrs. Florence Kelley, who enforced the factory laws with excellent results to the men and women who worked in the factories of the state.

In a previous chapter I have commented upon the Haymarket riot and the murder of several policemen during the same; the so-called anarchist trial and the fact that eight defendants in that trial were found guilty of murder and four of them were hanged. One of them had committed suicide on the day before the day set for his hanging, and two of them, Fielden and Schwab, had their sentences commuted by Governor Oglesby to life imprisonment. Neebe, against whom the evidence was very

weak, was given fifteen years by the jury and sentenced to that term of imprisonment by Judge Gary at the same time that he sentenced the other seven to death.

In 1890, some three years before Altgeld was elected governor, an amnesty association had been formed to secure the pardon and release of Fielden, Schwab and Neebe, who were serving their sentences in the penitentiary. A large number of citizens had signed applications for their pardon, including such men as Roger A. Pryor, Robert G. Ingersoll, William Dean Howells, Lyman J. Gage and Henry D. Lloyd. Many eminent Englishmen had also joined therein. Application for pardon was made to Governor Fifer while he was governor, but without success. Shortly after Altgeld's election he was presented with a monster petition, containing 60,000 names, asking for the pardon of Fielden, Schwab and Neebe. Two classes of people had signed this petition. The first and most numerous class were those who believed that the three men in prison were anarchists and morally, if not actually guilty of murder, but who believed that the hanging of four and the suicide of one, and the incarceration of the other three, had effected the full purpose of the law and that the pardon of the three less guilty would have a good effect upon the community. The second class were not so numerous, but comprised quite a number of professional men who believed that the trial was held in such a furore of public excitement that the defendants could not and did not have a fair trial, and that the evidence adduced in the trial did not warrant a conviction of murder. According to Willis J. Abbott, the petition was signed by the presidents of every bank and railroad in Chicago.

Immense pressure was used by men who made personal calls upon the governor to secure the pardon on the ground that the punishment already received was sufficient. He refused to be moved by their pleas and took the position that if they had a fair trial the punishment was not too severe. He refused to act until he could examine and digest the whole record of the trial. This entailed much labor and caused a delay in action. The governor procured the record from the files of the Supreme Court where it had been filed on appeal from the Criminal Court

of Cook County, and spent some weeks in going over it with meticulous care. By June 26, 1893, he had concluded his examination of the record and had reached the conclusion that the defendants did not have a fair trial and that they were unjustly convicted of murder. On that day he issued a complete pardon of the three men then in the penitentiary, Fielden, Schwab and Neebe, and issued an elaborate public statement giving his reasons for so doing.

This act of clemency is commented upon in Vol. IV, of the *Centennial History* in the following language:

One act, prompted by the uncompromising love of justice and sympathy for humanity which were part of the man (Altgeld), was to bring down upon his head an avalanche of vituperation such as few men have ever received; this was the pardon of the "anarchists" serving sentences for the Haymarket riot. Simply a message setting the men at liberty might well have escaped more than passing notice; but Altgeld chose to accompany his pardon with an extensive exposition of his reasons, which comprised a denunciation of the whole trial as unfair and illegal and pronounced the sentences wholly unwarranted by the evidence. Thus he not only freed the imprisoned men but in effect accused the state of judicial murder of the hanged men. (Vol. IV, *Centennial History of Illinois*, p. 187.)

A brief summary of the reasons given by Governor Altgeld in the message accompanying the pardon is here appropriate to enable the reader to ascertain the motive which actuated him in granting the pardon. In considering the request of 60,000 men and women who signed the petition for pardon Altgeld states that some of them ask pardon "assuming them to be guilty, they have been punished enough." In his pardon message Altgeld answers these by declaring that "if the defendants had a fair trial, . . . then there ought to be no executive interference, for no punishment under our laws could then be too severe." Altgeld then proceeds to state that other petitioners ask pardon on entirely different grounds. "They assert," he says, "First, that the jury which tried the case was a packed jury selected to convict. Second, that according to the law as laid down by the Supreme Court, both prior to and again since

the trial of this case, the jurors, according to their own answers, were not competent jurors, and the trial was, therefore, not a legal trial. Third, that the defendants were not proved to be guilty of the crime charged in the indictment."

Two other grounds for pardon were urged by the petitioners, one the total absence of proof against Neebe, and the other the prejudice of Judge Gary. The three main grounds alleged by these petitioners were, however, the three above quoted. The governor in his message takes up all these points alleged in the petition as grounds for pardon, compares them at great length with the evidence, the testimony of the jurors when being examined as to their qualifications to serve as jurors, and the rulings of the court; and after a very able and exhaustive analysis of the same found that every reason given by the petitioners as ground for pardon was substantiated in the record. He granted a complete and absolute pardon to Fielden, Schwab and Neebe, not because they had been punished enough, but because they and their fellow-defendants who were hanged did not receive a fair trial and were not found guilty in accordance with the laws of the state.

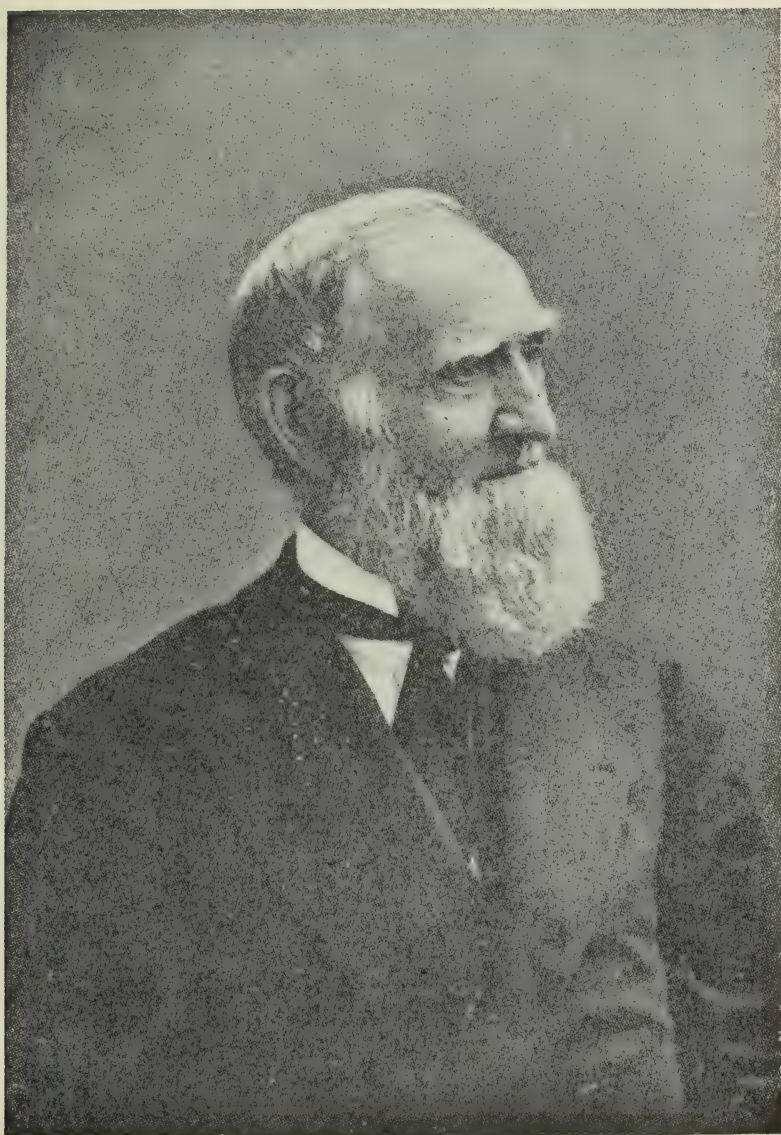
In view of the fact that the Supreme Court of Illinois had unanimously affirmed their conviction, and that the Federal courts could find no ground to give them jurisdiction, the pardon of the men under such circumstances on the grounds set out by Governor Altgeld called for such courage as few men possess. That courage was accentuated by the fact that he knew that his pardon for these reasons would raise a storm of public disapproval throughout the nation. Clarence S. Darrow, early in the year 1893, reproached Governor Altgeld for not having pardoned Fielden, Schwab and Neebe, and urged upon him that it would be a popular move and the right thing to do, and Altgeld replied: "Darrow, I haven't had time to go over the case yet, but I am going over the record carefully and if I conclude those anarchists ought to be freed, I'll free them. But make no mistake about its being a popular move—if I do it I will be a dead man politically." (Interview with Darrow in *Illinois Historical Review*.) To another friend, Judge S. P. McConnell, who warned him that a pardon of the anarchists would probably

end his political career, Altgeld replied: "By God, if I decide that these men are innocent, I will pardon them if I never hold office another day."

Many a fair-minded person, after reading Governor Altgeld's pardon message quoting the answers of the jurors to questions touching their competency to sit as impartial jurors, and the decision of the Supreme Court in *People vs. Coughlan* (Cronin case, decided after the anarchist case), will agree with Governor Altgeld's contention that the jury which convicted the anarchists of murder, was not an impartial jury or one selected in accordance with the law of Illinois, but few men would have the courage to face the storm of censure that such a pardon would invoke.

Promptly upon the issuance of the pardon and its accompanying message, the storm broke. Almost the entire press of the country joined in heaping abuse and vilification upon the head of Altgeld. The editors exhausted the dictionary in finding expletives, and the cartoonists were instructed to go the limit. For years thereafter Altgeld was lampooned, caricatured, vilified and excoriated as a nihilist, anarchist and a satanic enemy of the state and nation. And yet, Governor Altgeld, in pardoning the anarchists, was both honest and conscientious and actuated by lofty humanitarian principles. He believed that these men were tried during a contagion of hysteria and hatred which had impregnated the minds of most of the citizens of Chicago, including the judge who presided and the jurymen who convicted; that they were convicted of murder because they were anarchists, and not upon the law and the facts; and he tried to undo the wrong which he believed had been done during the epidemic of unreason. His pardon of these men not only hurt Altgeld's reputation in the estimation of the people of that time, but it was the main cause of his financial ruin.

The mortgage upon his most valuable property, the Unity Building in Chicago, was held by a banker who also was the owner of a powerful Chicago daily newspaper, the *Chronicle*. This banker and newspaper proprietor soon began to tighten the financial screws, then to foreclose and wipe out all of Altgeld's equity in the property. Within a few months after he



JONATHAN B. TURNER

Farmer and educator, pioneer in industrial education, originator of plan for agricultural colleges as later carried out in Morrill land grant act, and thus, in effect, a founder of University of Illinois.

left the governor's office he was practically penniless. The storm of hatred and vindictiveness against Altgeld soon abated after his death. Within ten years thereafter the Legislature of Illinois, with my encouragement and approval, appropriated \$25,000 to erect a monument to a governor who had the courage to defy popular fury and financial ruin in the performance of what he believed was his duty to his fellow-man.

Another occurrence which developed during Governor Altgeld's term of office throws additional light upon the character of this positive and determined man. In 1886, or thereabout, Charles T. Yerkes, a financial adventurer from Philadelphia, appeared in Chicago and started in business as a stock broker. Within a few years thereafter, to the amazement of Chicago financiers, he had obtained control of a majority of all the stock in both the North Side and West Side street car companies, and a Chicago daily newspaper. He then promptly organized holding companies, operating companies, construction companies and cooperating alliances, all based upon the property and franchises of the two original companies. The stock of the new companies was enormously inflated over that of the two old companies. The excess in capitalization was simply "water." In order to sell this "watered stock" to the public, it was necessary to obtain an extension of the franchises held by the original companies which were soon to expire. The state law limited all street car franchises to twenty years. Short-term franchises, Yerkes knew, did not appeal to financiers and the investors as favorably as long-term franchises. Yerkes determined to have this law changed so that he could procure ninety-nine-year franchises, or at worst fifty-year franchises, for his newly-organized companies. With "watered stock" and other persuasive inducements he had "fixed" things in the city council and among the political leaders in Chicago. He now turned his attention to the Legislature in Springfield. With extraordinary dispatch he succeeded in oiling the wheels of the legislative machine in Springfield and had his two bills passed in both houses.

Both bills were laid upon Governor Altgeld's desk for his approving signature or veto. Extraordinary efforts were made to secure the governor's approval. An intimate friend of Alt-

gelt, Hon. Samuel P. McConnell, who had been a judge of the Circuit Court, called upon him in Yerkes' interests and endeavored to persuade him to sign the bills. A very near relative and business associate of Altgeld's was called upon and told that an enormous sum of money (a million dollars according to common report at that time) was at his disposal if he could induce the governor to sign the bills. This was in the summer of 1895 when Altgeld was on the brink of financial ruin and when foreclosure of the mortgage on the Unity Building, owned by him, was being threatened. Judge McConnell, in his unpublished reminiscences, states that in that interview which he had with Altgeld when he urge him, Altgeld, to sign the bills, Altgeld told him that he had been offered \$500,000 if he would sign the bills.

In confirmation of this, the writer of this history states that some time after Altgeld's retirement from office, I met him while taking a frugal lunch and when he was in great financial distress, and took occasion to compliment him upon his honesty in refusing a million-dollar bribe, to which he responded with a sad smile: "You do me honor overmuch. The consideration offered me was not a million; it was half a million." To turn down a bribe of such magnitude at a time when the bribee was on the verge of bankruptcy was a remarkable exhibition of great moral courage and supreme honesty.

The *Chicago Tribune*, which had pursued Altgeld with relentless ferocity in his lifetime, within two years after his death published an article in which (using fictitious names) the story of the bribe and its refusal by Altgeld is told with dramatic effect and to the great honor and credit of Altgeld.

The governor vetoed both of Yerkes' "eternal monopoly" bills with scorching messages which exposed their scandalous enormities. Yerkes then tried to have them passed over the governor's vetoes, and almost succeeded by corrupt methods in doing so. They passed by the necessary two-thirds vote in the Senate, but they lacked a few votes to secure the necessary two-thirds vote in the House. But for the stern and incorruptible honesty of John P. Altgeld in 1895, the City of Chicago would have been shackle-bound to unjust and burdensome street car franchises which in effect would have been perpetual in duration.

CHAPTER LXI

ALTGELD'S PROTEST AGAINST USE OF FEDERAL TROOPS IN ILLINOIS IN JULY, 1894

During the month of June, 1894, trouble arose in Chicago between the Pullman Company and its employes, resulting in a strike of the employes. As many of these employes were members of the American Railway Union, a powerful labor organization embracing most of the railway employes of the United States, they, the Pullman strikers, appealed to the American Railway Union for sympathy and assistance. The latter organization finally, on June 26, 1894, through its executive committee, composed of Eugene Debs and others, issued a general order addressed to all their members, ordering a boycott of Pullman cars. This in effect prevented the coupling of any Pullman car to any train and the moving of any train until all Pullman cars were detached therefrom. As the railway officials insisted in attaching Pullman cars as usual to their trains, a situation developed which practically paralyzed the movement of trains, including mail cars. This situation lasted for some days and until the United States Government, by its district attorney in Chicago, July 2, filed a bill in chancery, setting out that a conspiracy existed to interfere with interstate commerce and the movement of the United States mails, headed by Debs and his colleagues on the executive committee of the American Railway Federation, and asking for an injunction restraining them from further interference with the railways. To enforce and carry out the orders of the court, President Cleveland ordered the secretary of war to place a small army of Federal troops from Fort Sheridan in and around the railway stiles and switching yards, July 4, 1894. The President did this without the request or previous knowledge of the governor of the state, the mayor

of Chicago, or any civil officer of the city or state. Up to this time there had been no fatalities and but little destruction of property, but much interference with the movement of trains.

Governor Altgeld, like one of his predecessors in the gubernatorial office, had always been a vigorous believer in the sovereignty of the states in all matters except such as had been conferred upon the general Government by the Constitution of the United States. In his own language he stated his position as follows: "Federal Union and local self-government have for a century been regarded as the foundation upon which the glory of our whole governmental fabric rests. One is just as sacred, just as inviolate, just as important, as the other. Without Federal Union there must follow anarchy, and without local self-government there must follow despotism. The question is, whether the local and state authorities should not be first called upon to enforce the law and maintain order, using for that purpose such local agencies as the law has created; or whether the President can ignore all these and bring a foreign force and station it in any community at pleasure." (Altgeld's Cooper Union Speech of October 17, 1896.)

Such being the views held by Governor Altgeld, on July 5, 1894, he forwarded a telegraphic message as governor of Illinois to President Cleveland, in which he declared:

We have now had ten days of the railroad strike and we have promptly furnished military aid wherever the local officials needed it. . . . The law has been thoroughly executed and every man guilty of violating it during the strike has been brought to justice. If the marshal of the Northern District of Illinois or the authorities of Cook County need military assistance they had but to ask for it to get it from the state. . . . I submit that local self-government is a fundamental principle of our Constitution. Each community shall govern itself so long as it can and is ready and able to enforce the law, and it is in harmony with this fundamental principle that the statute authorizing the President to send troops into states must be construed; especially is this so in matters relating to the exercise of the police power and the preservation of law and order. To absolutely ignore a local government in matters of this kind, when the local government is ready to furnish assistance needed

and is amply able to enforce the law, not only insults the people of this state by imputing to them an inability to govern themselves, or an unwillingness to enforce the law, but is a violation of the basic principle of our institutions. The question of Federal supremacy is in no way involved. No one disputes it for a moment; but, under our Constitution, Federal supremacy and local self-government must go hand in hand, and to ignore the latter is to do violence to the Constitution. As governor of the State of Illinois I protest against this.

President Cleveland on the same day wired to Governor Altgeld his answer to this protest in the following words:

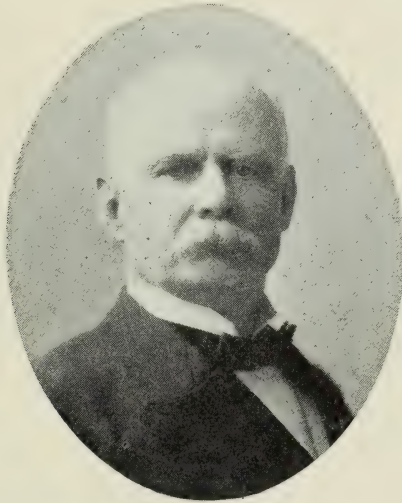
Sir: Federal troops were sent to Chicago in strict accordance with the Constitution and laws of the United States, upon the demand of the postoffice department that obstruction to the mails should be removed, and upon the representations of the judicial officers of the United States, that the process of the Federal courts could not be executed through the ordinary means, and upon competent proof that conspiracies existed against commerce between the states. To meet these conditions, which are clearly within the province of Federal authority, the presence of Federal troops in the City of Chicago was deemed not only proper, but necessary, and there has been no intention of thereby interfering with the plain duty of the local authorities to preserve the peace of the city.

On the following day Altgeld sent another telegraphic message to the President, reiterating his protest with much elaboration, and this message was answered by the President on the same day in a sixty-word telegram in which he reiterated his position. The Federal troops were retained in Chicago and before the end of the month the great railway strike was broken and the railways resumed operation.

During the strike the Federal Court in Chicago issued an injunction against Eugene Debs, the other members of the executive committee of the American Railway Union, and many others, restraining them from doing any act which would interfere directly or indirectly, with the movement of the railway trains, and Debs and his co-members of the executive committee

were arrested for violation of the injunction and sentenced to some months imprisonment for contempt of court. The defendants, Debs and his colleagues, sued out a writ of *habeas corpus* from the Supreme Court of the United States in which they called into question the validity of the sentence of contempt of court imposed upon them.

In disposing of that case (*In re Debs* 158, U. S. Reports, p. 577) the Supreme Court declared: "Two questions of importance are presented: First, Are the relations of the general government to interstate commerce and the transportation of the mails such as authorize a direct interference to prevent a



ADLAI E. STEVENSON, VICE PRESIDENT UNITED STATES 1893-97

forcible obstruction thereof? Second. If authority exists, as authority in governmental affairs implies both power and duty, has a court of equity jurisdiction to issue an injunction in aid of the performance of such duty?"

The court decided both of these questions in the affirmative. It then denied the writ of error prayed for by the defendant because the sentence of the defendants for contempt was not a final order, and rendered its decision in the *habeas corpus* proceedings affirming the sentence of the lower court.

Strange to say, in the decision of this case the main point urged by Governor Altgeld in his protest was not discussed or adverted to. It was the comity which should prevail under the Constitution and the laws between the state and the Union. "The question of Federal supremacy is in no way involved," said Altgeld in his protest to Cleveland. "No one disputes it for a moment; but under our Constitution Federal supremacy and local government must go hand in hand."

The only reference in the Federal Constitution to its powers in the case of "domestic violence" in a state is contained in Article IV. of that instrument, which reads:

"The United States shall guarantee to every state in the Union a republican form of government, and shall protect each of them from invasion; and on application of the Legislature, or the executive (when the Legislature cannot be convened), against domestic violence." Before interference by the Federal authorities in case of local or domestic violence, this required as a general rule the request of the Legislature or the governor. There was, however, one exception to the general rule. If the domestic violence interfered with the carrying out of Federal laws in the state and the state failed to quell the domestic violence and failed or refused to apply for Federal assistance, in that case the Nation had the undoubted right to step in and compel the carrying out of Federal law. But there is a comity between states and nations in times of peace which has, among civilized nations, practically the effect of international law. Before one state or nation, even in a great crisis, attempts to throw its troops into the territory of another state with which it is at peace, the state intending so to do under the comity which prevails among civilized nations either asks permission so to do or notifies the state it intends to invade of its intention so to do. Germany asked Belgium's consent during the World war and upon its refusal notified Belgium of its intention to invade that country. Germany was ruthless, but even when it determined to violate a treaty it notified the nation it intended to invade before so doing.

The State of Illinois and the United States of America were, in July, 1894, at peace. In national matters the Nation was

supreme. In local matters the state had certain rights. When President Cleveland determined that national laws were being obstructed in Illinois, the most ordinary comity that prevails between nations and states would have required him, before taking violent action, to communicate with the governor of the state and notify him that he, the President, had reached the conclusion that Federal laws were being violated in Illinois and that if violence was not quelled within a very brief period that he would exercise the Nation's right to enforce the Federal laws by troops if necessary. No such comity was shown. No respect for the dignity of the state was exhibited. If President Cleveland had made the demand upon the governor to suppress the disorder within forty-eight hours, the governor might have succeeded in so doing. If he failed, then the President could have placed his troops in Chicago without any sacrifice of dignity on the part of the state.

No comment is made by the Supreme Court upon this lack of national comity towards the state on the part of the National Government in this affair, although the attention of the whole Nation had been called to the controversy between Governor Altgeld and President Cleveland. The President's action in the matter was a brusque, coarse violation of the amenities that should prevail among state and national officials. If followed as a precedent we may some day find our present or some future President of the United States, without notice to the governor of Illinois, planting an army of Federal troops around our homes and hotels to enforce the carrying out of the "Noble Experiment" called the Volstead law, which Senator Borah and most of the well-informed newspapers of the country truthfully declare is being violated by millions of our fellow-citizens.

CHAPTER LXII

ILLINOIS IN THE FREE SILVER MOVEMENT

In the year 1892 Grover Cleveland, then the most popular man of his day, was, as the nominee of the Democratic party, elected a second time President of the United States, and a young native of Illinois, as yet unknown to fame, was a then member of the Lower House of Congress. The latter was only thirty-two years of age and had made one noteworthy speech in Congress against the high protective tariff policy of the Republican party. This young man was within four years to replace Grover Cleveland as the idol of the Democratic party and have its then great leader, the President of the United States, thrown into the political ash pile.

Before Cleveland's last election there had been tremendous unrest in the West, particularly against the financial policies of the Republican party. There had been a tightening in money matters, an insistence among Republicans of paying government bonds purchased with greenbacks, in gold. The amount of greenbacks in circulation was being restricted. Money was scarce and there was talk among Eastern bankers of demonetizing the silver circulation and replacing it with money payable only in gold. Greenbacks at the time were worth only about 60 cents in gold and the people of the West and South were deeply in debt. They were threatened with being called upon to pay in gold, debts incurred while the greenbacks were worth only 60 cents. In other words, when they borrowed, they were handed greenbacks worth 60 cents or less in gold. When called upon to pay they would be required to pay gold, or 100 cents, and thus their indebtedness would be increased at least 66 per cent. This was the threatened program of the Eastern financial powers and it was not attractive to the debtors of the South and West.

Cleveland had been renominated and elected upon the tacit understanding that he would revise the high tariff laws enacted by the Republicans and lessen the burdens of the people by reducing the tariff, and let the money question alone. There was no demand among the rank and file of the Democrats for the demonetizing of silver or the establishment of a single gold standard. The bankers and financial magnates of the East had, however, as it turned out, paid most of Cleveland's campaign expenses. He believed he owed them a debt of gratitude which, to the amazement and chagrin of the Democratic party, he proceeded to pay by official acts which would enormously enrich them, and heap intolerable burdens upon millions of the farmers, small merchants and toilers of the West and South who had voted him into office.

Shortly after his election and before his inauguration he arranged to sell bonds payable in gold at a private sale, without competition, to a syndicate of bankers represented by his former law partner, out of which the syndicate netted ten millions of dollars profit. Theretofore, the bonds issued by the Government had been made payable in coin, which (under the bimetallic standard of gold and silver which had been in operation in the United States for at least seventy years) would have been paid either in gold or silver. Upon inauguration he instituted measures for the establishment of the single gold standard. The bankers of the country started effective measures to bring this about. With the knowledge of Cleveland's Secretary of the Treasury, a circular letter was sent to the leading bankers of the country which read as follows:

The interests of National Bankers require immediate financial legislation by Congress. Silver, silver certificates and treasury notes must be retired and the National Bank notes upon a gold basis made the only money (read this peremptory and ambitious document). You will at once retire one third of your circulation and call in one half of your loans. Be careful to make a money stringency felt among your patrons, especially among influential business men. Advocate an extra session of Congress for the repeal of the purchase clause of the Sherman law, and act with other banks of your city in securing a large petition to

Congress for its unconditional repeal, as per accompanying form. Use personal influence with Congressmen; and particularly let your wishes be known to your Senators. The future life of National Banks as fixed safe investments depends upon immediate action, as there is an increasing sentiment in favor of governmental legal tender notes and silver coinage.¹

Even Hon. David B. Hill, United States senator from New York, an energetic gold standard man, was moved by such methods to say: "These disturbers, the promoters of public panic, represent largely the creditor class, the men who desire to appreciate the gold dollar in order to subserve their own selfish interests, men who revel in hard times, men who drive harsh bargains with their fellow-men, regardless of financial disaster." At this juncture, in 1893, the young Democratic congressman, born in 1860, at Salem, Illinois, and now representing a Nebraska congressional district in Congress, declared of the leader of his party and the President of the United States, Grover Cleveland: "I have no doubt from my observation of his course that the financiers put up the money that secured his nomination, and I know that they furnished large sums of money to secure his election. His committee spent \$900,000 in the State of New York and among the contributors was the Sugar Trust which gave \$175,000."

From this time on the Free Silver fight was on between the then popular leader of the Democratic party, President Cleveland, and the at that time insignificant Democratic congressman from Nebraska, William J. Bryan. Thence on, the State of Illinois furnished again in national politics two men, one its native son and one its Chief Executive, who were to lead the fight in the party and in the Nation for the free and unlimited coinage of silver on the ratio of 16 to 1. They were to win the fight in their party and then lose it at the election polls in the Nation. William Jennings Bryan and John P. Altgeld soon became known in the Nation and the world, as the leaders in this tremendous struggle for bimetallism.

¹ Hibben's *The Peerless Leader*, p. 151.

The young congressman, native of Illinois, who was soon to become the brilliant, eloquent and spectacular leader of the Democratic party, was born at or near Salem, Illinois, March 29, 1860. He was the son of Silas Bryan, a man of fair education and positive character, whose ability had earned him a place on the bench in the Circuit Court having jurisdiction in that part of Illinois called Egypt. He was also a member of the constitutional convention that met in 1869 to frame the present Constitution of Illinois. By nature and training he was an intensely religious man, a rigid member of the Baptist Church, who knew and believed every word of the Old and New Testaments from Genesis to the Apocalypse. He was also a fervent, ardent passionate believer in the right of the common people to rule, a typical Jeffersonian Democrat. In the constitutional convention he moved: "that all officers . . . in the executive, legislative and judicial departments shall be elected by the people." He also moved in the convention "that the Legislature be forever forbidden to remove the Bible from the public schools, and for the publication of the prayers offered at the opening of each day's proceedings in the convention in the official record of the convention." He had no use for intoxicating liquor in any form or for any purpose. All these strong convictions and antipathies he transmitted to his son William by constant lectures, admonitions and personal example. By the time the boy William reached the age when he was to be sent to college, Silas Bryan had woven into the warp and woof of the boy's mentality and mold these intense convictions, religious and political, which he himself possessed. The father was a persistent and successful teacher. The boy William absorbed and retained all of his father's positive convictions during the whole of his extraordinary and wonderful career. Both father and son were strictly honest in all of their convictions.

Until the year 1873 both gold and silver coinage prevailed in the United States for many decades. Either metal could be taken to the United States mint for coinage into standard American dollars at the ratio of sixteen ounces of silver to one ounce of gold. By the year 1873 the immensely-increased production of silver had lowered the bullion value of that metal.

Congress then passed an act demonetizing silver and establishing the single gold standard. The production of gold did not increase proportionately with the population and as a result the circulating medium of exchange became scarcer. As the value of gold increased, the prices of commodities, measured by the value of goods, rapidly declined. Debts, however, contracted under the bimetallic standard, had now to be paid in gold and as gold increased in value the debts increased the burden upon the debtor. This was highly satisfactory to the creditor who had loaned a bimetallic dollar and who now wanted it paid in a gold dollar, but it seemed inconscionable to the debtor.

Much discontent and dissatisfaction arose therefrom. As a result Congress, in 1878, passed the Bland-Allison law over President Hayes' veto, the House being then Democratic and the Senate Republican. The Bland-Allison act provided for the resumption of silver coinage to the amount of not less than \$2,000,000 and not more than \$4,000,000 per month. For the next six years after the passage of this law, silver maintained its value as compared with gold in the ratio of 16 to 1. About the year 1885 silver began again to fall in price and by the year 1889 it was valued as compared with gold at only 22 to 1. However, national industry continued to grow and increase as the silver coinage continued to increase, but the prices of Western and Southern agricultural products constantly declined.

The farmers so affected and the silver-mine owners finally succeeded in 1890 in securing the passage of the Sherman law. This law repealed the Bland-Allison act and required the Government to purchase every month 4,500,000 ounces of silver and to issue in payment therefor legal tender notes payable on demand "in coin." These notes were redeemable at the United States Treasury, either in gold or silver at the discretion of the secretary of the treasury. This act was very distasteful to the financiers and bankers of the East, and yet it did not satisfy the Populists or silver advocates who were becoming very numerous in both the Republican and Democratic parties. Silver kept declining in value until in 1893 it stood at about 26½ to 1 in comparison with gold. In 1892 neither the Democratic nor Republican national parties took a decided stand on

the silver question. The Populists, however, had become aggressive and vigorous and seemed to be growing rapidly in numbers, and that party declared for the "free and unlimited coinage of silver at the present legal rates of 16 to 1."

In 1893 a disastrous financial panic swept over the country and President Cleveland induced a reluctant Congress to repeal the Sherman silver purchase act of 1890. The Populists and thousands of others in the Republican and Democratic parties ascribed the panic to the demonetization of silver and claimed that the repeal of the Sherman act intensified the financial distresses occasioned by the panic. The silver question then became



GEORGE M. PULLMAN, FOUNDER PULLMAN CAR WORKS

the paramount issue of the hour. It could no longer be evaded by either of the two leading national parties. In 1896, prior to the holding of either of the state conventions of the Republican and Democratic parties in Illinois, ten Republican state conventions in other states had declared for "free silver." In Illinois at that time the free silver sentiment was much stronger among the rank and file of the party than in the Republican party. The Democratic organization of the state, or rather its influential leaders, such as Roger Sullivan and John P. Hopkins, were

opposed to bimetallism and sympathetic with the "gold" element of the party. The appointees of President Cleveland in the state were also known as "gold-bugs."

In 1895 Governor Altgeld began to give careful consideration to the silver question. He soon reached the conclusion that it was purely an economic one between the debtor and the creditor classes, and characteristically, his sympathies went out to the under dog, the debtor. In the spring of that year he advocated the calling of a convention of the Democrats in the state favorable to bimetallism. In May, 1896, after giving much study to the question, he delivered a carefully-prepared speech in Chicago upon the silver question addressed to his fellow-citizens irrespective of party. In that speech he ascribed the financial depression to "the great reduction in the volume of money in the world incident to destroying silver as a money metal," and advocated as a remedy the immediate restoration of free gold and silver coinage at the old standard of sixteen to one. This ratio, he declared, need not be a permanent one, but that some ratio must be definitely declared for at the initiation of recoinage and that this ratio had existed satisfactorily for many decades in the United States before silver was demonetized in 1873.

Most of the rank and file of the Democratic party in Illinois were favorable to bimetallism even before Governor Altgeld made this announcement and his statement increased their numbers, although the machine leaders were monometallists. The Democratic state convention met at Peoria, June 23, 1896. The Republican state convention had met, nominated John R. Tanner for governor, and straddled the silver question in their platform. The national Republican convention had also met at St. Louis, a few days before, and finally adopted a platform unequivocally for a single gold standard, upon which action a considerable number of delegates favoring bimetallism bolted the convention.

At the opening of the Democratic state convention June 23, Governor Altgeld addressed the delegates and vigorously advocated a clear-cut campaign for the remonetization of silver. He said it was no time for hedging or equivocation. "The only

thing for us to do is to declare for that historic ratio (sixteen to one) under which we prospered and which is in harmony with our whole financial system." Altgeld and free silver sentiment prevailed. The convention voted unanimously for a platform demanding "the immediate restoration of the free and unlimited coinage of both gold and silver at the rate of sixteen ounces of silver to one of gold of equal fineness, with full legal tender power to each metal, without waiting for or depending on any other nation on earth." A silver delegation was selected and sent to the national Democratic convention and Altgeld was renominated for governor of the state. The People's party, in convention soon thereafter, endorsed both the Democratic state platform and its candidate for governor.

Soon thereafter the Democratic national convention met at Chicago to formulate its platform and nominate its candidate. From March, 1891, until March, 1895, the young native son of Illinois heretofore mentioned had been sitting in the lower house of Congress as a Democratic member representing a congressional district in the State of Nebraska. On March 16, 1892, he delivered his maiden congressional speech on the tariff. It electrified the House, compelled the attention of the metropolitan press, which gave it praise and prominent exploitation, and secured for him over-night the reputation of an able and gifted orator. Among the most enthusiastic men who gathered around him after the speech were Representatives "Silver Dick" Bland and Bailey of Texas, both ardent advocates of bimetallism. They directed his attention to the money question. With much industry and diligence he devoted himself to a study of the question. Within a month thereafter he had reached the conclusion that the demonetization of silver had cut down the volume of the circulating medium of exchange, had enhanced the value of the dollar as compared with the produce of agriculture, cheapened the price of the latter and increased the burden of the debtor.

In April, 1892, before the Nebraska Democracy at Omaha, he made his first speech in favor of "the free and unlimited coinage of silver." In June of the same year he was renominated for Congress by acclamation, but wrote his own platform in which was his silver plank. He did this in spite of the fact

that the Democratic state convention rejected the silver plank and nominated J. Sterling Morton for governor on a gold platform. The result was that Morton was beaten by 5,500 votes, but that Bryan was reelected to Congress by a narrow majority, because of a large Populist vote. Cleveland, the gold Democrat, was elected President on the same day that Bryan, the silver Democrat, was reelected congressman. It did not take long after Cleveland was inaugurated, in March, 1893, before the ambitious and eloquent young Democratic congressman found himself called to oppose the acts and measures of the gold Democrat in the White House. During the spring and early summer of 1893 Bryan had traveled extensively throughout the country, had noted the distress occasioned by the financial panic of that year, and had conferences with all kinds of people. He sensed the distress of the many and believed that the contraction of the medium of exchange was at the bottom of this public distress.

On August 16, 1893, he rose in the House of Representatives and addressed that body on the money question. It was epochal. His address on the tariff the year before had made him notable. His speech on the money question was so brilliant, persuasive and eloquent that it tore the mantle of leadership of the Democratic party from the shoulders of the man in the White House and placed it upon his own. The great men of Congress, irrespective of party politics, gathered around him and overwhelmed him with encomiums. It rang through the nation like a tocsin of war. Thenceforward Cleveland and Bryan were bitter antagonists. That night Cleveland sent for J. Sterling Morton of Nebraska, his secretary of agriculture, and instructed him to apply the political hamstring to the rebellious young upstart who dared to oppose his policy. Thenceforward there were no loaves and fishes, nor invitations to the White House for William J. Bryan. Worse still, steps were promptly taken to prevent his renomination in 1895, which were successful. In 1895 Bryan found himself out of Congress and seemingly out of political luck, but with his personal popularity above that of President Cleveland or any other man in the Democratic party. Freed

now from any political or moral obligations to the White House, he became exceedingly active in Congress.

On January 9, 1894, he made a powerful address in Congress in favor of an income tax, ably fortified with the result of income tax laws in other countries furnished by the United States State Department. This incensed the President and Eastern financiers intensely. Soon thereafter, when the Wilson tariff bill was under consideration, he succeeded in having an income tax rider attached to the bill and again electrified the House with a brilliant speech which did much to secure its passage. The President, however, had succeeded in dragging through the House his bill for the stoppage of silver coinage, but when the President attempted to secure a law authorizing the issue of gold bonds, Bryan was again on his feet. In blistering language he denounced the plan and the bill failed of passage. In 1895, however, Morton's efficient Federal machine, acting under presidential orders, denied Bryan a renomination to Congress and in the spring of that year he found himself in private life, walking the streets of Lincoln, Nebraska. His eloquence and activity, however, were at their prime and his popularity unequaled by that of any man in America.

Although in private life, Bryan was, however, not without an occupation. The *Omaha World-Herald* had supported Bryan and had come out for free silver. It needed an editor capable of enunciating clearly and eloquently the arguments for the free silver movement and had appointed Bryan its editor-in-chief. This gave Bryan the opportunity to reach the people through the press as well as on the rostrum. While editor of the paper he managed to make and keep many speaking engagements, both in the South and West. His natural eloquence and emotional appeal to the common people in simple Anglo-Saxon words that all could understand made a powerful impression on his numerous audiences. During 1895 and 1896 all his addresses were on the money question and everywhere he went he made converts to bimetallism by the thousands. His far-reaching golden voice added to the charm of his native eloquence.

The writer of this work has heard Bryan speak scores of times and never once found a trace of insincerity or duplicity

in the matter of his speeches or the manner of their delivery. He impressed one with the belief that he was an able, eloquent, courageous and honest man. About this time Bryan turned down an offer of appointment as general counsel for a railroad connected with the Standard Oil Company, to accept a stipend of \$30 a week as editor for the *World-Herald* and this helped to establish his reputation as an honest and incorruptible champion of the People's war for bimetallism. When installed as editor of the *World-Herald*, under an arrangement which permitted him to fill, almost without limitation, speaking engagements throughout the country, Bryan, with the assistance of his Nebraska friends, organized the Free Coinage League, which controlled the next Democratic state convention. He secured a nomination of himself for United States senator from this convention and persuaded the convention to endorse the Populist candidate for governor, Hon. Silas A. Holcomb, hoping that the Populists would endorse his candidacy for the Senate. In this hope he was disappointed. His early ambition to shine in the Senate of the United States was frustrated.

In 1896, however, he was selected by the free silver Democrats, which dominated the Democratic party in Nebraska, as a delegate to the Democratic National Convention at Chicago, but the Cleveland administration or gold Democrats, who under J. Sterling Morton had control of the machine, denied him and his free silver colleagues their credentials as delegates and gave them to the "gold" delegation selected by the machine. And so it happened that this young congressman, born in Illinois, who had attracted the attention of the entire country by his brilliant and eloquent speeches during the four years he represented a Nebraska district in that body, was now, in 1896, denied a re-nomination to the House of Representatives at the order of the Democratic President, beaten as a nominee for the Senate by his Nebraska constituents, and even denied his credentials as a delegate to the Democratic National Convention.

For the last three years in Congress and in all the great cities of the South and West, he had been spreading the evangel of free silver to tremendous audiences whose enthusiastic responses convinced him that he had struck the popular chord.

Yet here he was, "barking his shins" outside of the door of the committee on credentials, while he ought to be in the convention so as to frame a platform which would make free silver the dominant issue of the campaign. It was maddening. Finally the agony was over. His delegation was seated and the "gold" delegation was thrown into outer darkness. He and all the successful delegation were, however, pledged to vote for "Silver" Dick Bland for President. He had borrowed \$100 to bring on his wife from Nebraska and had been assigned to Room 13 in the Clifton House. This seemed unlucky. He had his room changed and a Southern delegate handed him a rabbit's foot. The skies seemed to brighten. The committee on resolutions could not agree. The fight between gold monometallism and silver bimetallism was on in the committee and was carried to the floor of the convention for open debate, three speakers being assigned to each side. Senator Tillman of South Carolina, for free silver, and Senator Hill of New York, for gold, had charge of the order of speaking and the time allotted to the speakers. Bryan, of course, was one of the three chosen to speak for silver. He was anxious to close the silver side of the debate, but had to defer to Senator Tillman's decision. Bryan went to Tillman and asked him when he, Tillman, desired to talk and how much time he wanted. Tillman told him that he would close the debate and needed fifty minutes. Bryan then went to Hill and told Hill what Tillman wanted. Hill objected. If Tillman wants fifty minutes he should in fairness use that time in opening the debate and give us a chance to reply. Bryan repeated Hill's words back to Tillman, who then decided that he wanted his fifty minutes and would open the debate for silver. This is just what Bryan devoutly hoped for. The sky was brightening. He would close the most important debate since that between Lincoln and Douglas before an audience nation-wide, aye, by wire, world-wide. Before the convention met, thirty-three of the fifty state and territorial conventions had declared for silver coinage at the ratio of sixteen to one and the silverites dominated the convention.

Senator Tillman had opened the debate in favor of the report of the majority of the committee on resolutions favoring

bimetallism, in a powerful but by no means magnetic speech. He had been answered by Senator Hill, Vilas of Wisconsin and Governor Russell of Massachusetts, all of whom favored the minority report in favor of gold monometallism. The silverites were there, but they needed a voice and soon found one. When his name was called, Bryan leaped from his seat in the Nebraska delegation and walking down the aisle mounted the rostrum. In a bell-like, clearly-uttered voice, which reached every being in that immense hall, he commenced his speech before an expectant audience.

It would be presumptuous, indeed, to present myself against the distinguished gentleman to whom you have just listened if this were a mere measuring of abilities; but this is not a contest between persons. The humblest citizen in all the land, when clad in the armor of a righteous cause, is stronger than all the hosts of error. . . .

The man who is employed for wages is as much a business man as his employers; the attorney in a country town is as much a business man as the corporation counsel in a great metropolis; the merchant at the cross-roads store is as much a business man as the merchant of New York; the farmer who goes forth in the morning and toils all day—who begins in the spring and toils all summer—and who by the application of brain and muscle to the natural resources of the country creates wealth, is as much a business man as the man who goes upon the board of trade and bets upon the price of grain; the miners who go down a thousand feet into the earth, or climb two thousand feet upon the cliffs, and bring forth from their hiding places the precious metals to be poured into the channels of trade, are as much business men as the few financial magnates who, in a back room, corner the money of the world. . . .

It is for these that we speak. We do not come as aggressors We have petitioned, and our petitions have been scorned; we have entreated, and our entreaties have been disregarded; we have begged, and they have mocked when our calamity came. We beg no longer; we entreat no more; we petition no more. We defy them!

Having behind us the producing masses of this nation and the world, supported by the commercial interests, the laboring interests, and the toilers everywhere, we will answer their demand for a gold standard, saying to them: "You shall not press down upon the brow of labor this

crown of thorns; you shall not crucify mankind upon a cross of gold.”²

When his speech was finished Bryan walked quickly towards his seat, but before he reached it he heard a shout and was surrounded by a crowd of frenzied men who carried him on their shoulders around the convention hall. For an hour the convention was in a tumult, shouting, cheering, crying and every possible form of rejoicing continuing until the participants were exhausted. Up to the moment that speech was delivered, Richard Bland was unquestionably the choice of an immense majority of the delegates. Illinois' forty-eight votes, headed by Governor Altgeld, were instructed for him. The Nebraska delegation, in which Bryan sat, was instructed for him. That speech of Bryan, however, whether or not he so designed it, made Bryan a candidate for the presidency. The voting for candidates began next day, but Bryan remained away from the convention hall. For three ballots Richard Bland led in the count, largely because of the number that had been instructed for him. On the fourth Bryan's vote exceeded Bland's. It had become apparent that Bland could not win. The Illinois delegation went into a huddle, in the center of which was John P. Altgeld, governor of the state. A crisis in the struggle had arrived. On the next ballot (the fifth) the forty-eight votes of Illinois were swung from Bland to Bryan. The struggle was over. Bryan, a native son of Illinois, was made the candidate of the Democratic party for the presidency of the United States as the result of his own speech and the act and influence of the governor of Illinois at a critical and decisive moment.

As illustrated by a little story I heard on the day of the nomination, Bryan's nomination was a great surprise to political wiseacres. A man named "Bim," who for years had engaged in the business of making and selling campaign buttons, had manufactured and sold during the first days of the convention "Silver" Dick buttons and expected to sell many more when Bland would be nominated. He had no Bryan buttons. When Bryan was nominated on the fifth ballot, "Bim" left the hall.

² Hibben's *Peerless Leader*, pp. 185, 186.

On the way out he was hailed: "How goes it, Bim?" To which he answered: "I am not 'Bim the Button Man'." "Then who are you?" asked his friend. "I am," said he, "'Bum the Bitten Man'."

When only thirty-six years of age this young son of Illinois who was working for a salary of \$30 a week, and who had to borrow \$100 to enable him to pay his own and his wife's railway fares and hotel bills, was nominated for the highest position in the land. Youth, energy, ability and courage, crowned with eloquence, had accomplished what looked like a miracle. They triumphed in Chicago in July, but were doomed to defeat in the nation in November. It was a contest between the organized and consolidated creditors of the nation and the unorganized and widely-scattered debtors of the nation; between concentrated wealth and non-cohesive poverty. On the one side were all the money kings, the ablest financiers, the banks and almost all the metropolitan newspapers and magazines, and all the highly-protected industries. On the other side were the farmers, a few newspapers and that part of the laboring element who were willing to risk their jobs, and the owners of the silver mines. These latter were the only sources of campaign funds and what they could and did furnish was a mere bagatelle in comparison with the resources of great financiers, banks and capitalists. The laboring men who were willing to vote according to their convictions at the risk of losing their jobs were quite numerous in the beginning of the campaign, but when they were told they would lose their jobs if Bryan was elected, and when they received in their pay envelopes on the eve of election (as many of them did) a notice that they need not report for work if Free Silver won, they changed their views and voted to retain their jobs. The result was inevitable. Concentrated wealth is like cement. It coheres and lasts. Assembled poverty is a mound of sand. It is dampened by the rains and scattered by the winds and does not last during a campaign. Concentrated wealth won and the gold standard was firmly established in the United States as the result of the Free Silver campaign.

The brilliant leader of the defeated hosts, however, assembled behind him a formidable army of millions of voters who fol-

lowed him with almost idolatrous loyalty for twelve years. No man in American history, except Washington and Jackson, had a more steadfast and devoted mass of people than had William J. Bryan. They nominated him three times for the presidency and would have nominated him a fourth time (when Parker was nominated) if he would have permitted it, and he dictated the nomination of Wilson in 1912, sixteen years after, he himself, was first nominated. He was an evangelist, but not a revolutionist, and always bowed cheerfully to the result of the popular vote. Though an ardent pacifist, he volunteered for military service when his country was at war. He ever preached and practiced the doctrines of the Prince of Peace.

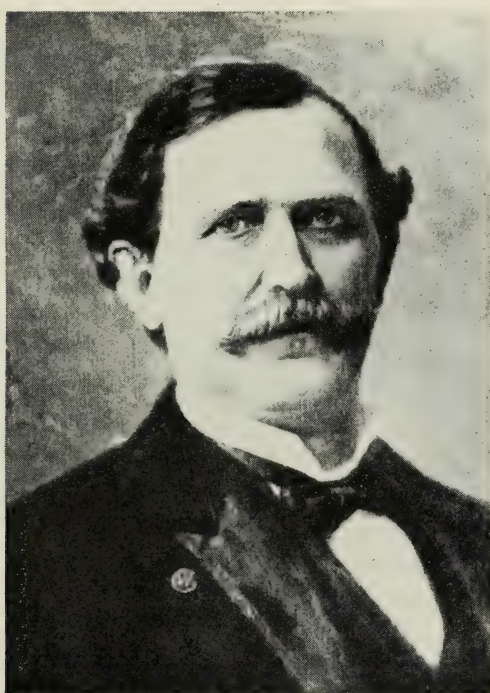
CHAPTER LXIII

JOHN R. TANNER, GOVERNOR

The administration of Governor Altgeld was sensational and dramatic in many of its features. Except for a service on the Superior bench of Cook County for about five years, Altgeld never held any political office except that of governor of Illinois. In strong contrast, the administration of John R. Tanner, who succeeded Altgeld in that office, was rather prosaic and undramatic. Governor Tanner had an extended experience in holding public office. He had served four years as state senator, commencing in 1881; two years as state treasurer, commencing in 1887, and some time as railway and warehouse commissioner, commencing in 1891.

From 1881 almost continuously until 1897, when he became governor, he had been actively engaged in political life and almost constantly in office. He was popular with the Republican politicians and known as a good fellow. Not an orator or leader of public thought, but on good terms with the public utility companies and the papers. In 1896 he had unquestioned control of the Republican organization and secured the nomination for governor without much effort.

The Spanish-American war broke out during his administration and the State of Illinois was called upon to furnish nine regiments of infantry, one regiment of cavalry and one battery of artillery. The governor was active and diligent in seeing that the quotas called for were rapidly raised, equipped and placed at the disposal of the Federal authorities. The eternal monopoly bills sought by Yerkes during Altgeld's administration, and vetoed by him, were under Tanner's administration reintroduced in substantially similar form or in such shape as was satisfactory to Yerkes, and were quietly but quickly passed



JOHN R. TANNER, GOVERNOR 1897-1901

and as quietly and quickly signed by the governor. A serious attempt was made under Tanner's administration to take the control of the metropolitan police force of Chicago out of the hands of the City of Chicago and place it in the control of a commission appointed by the governor. Most of Chicago's mayors had been Democrats, while most of Illinois' governors had been Republicans. The political aspect of the proposed law was so unblushingly apparent that even the Republican Legislature refused to comply with the governor's desires and the proposed bill failed to pass.

Governor Tanner survived his term of office but a few weeks. He had the faculty of establishing between himself and his intimates fast and faithful friendships which is well attested to by the substantial and costly mausoleum erected over his remains in Oak Ridge Cemetery at Springfield by his loyal friends and admirers. This mausoleum is within a few paces of the great Lincoln monument and after that structure is one of the most substantial and imposing in the cemetery.

CHAPTER LXIV

ADMINISTRATION OF RICHARD YATES THE SECOND

In January, 1901, Richard Yates, son of the "war governor" of Illinois, was inaugurated governor of Illinois at the early age of forty years. Governor Yates the second was born in the same year as William J. Bryan (1860) and was quite intimate with the latter when they were both practicing law as young men at Jacksonville. Yates had been prize orator at Illinois College and Bryan suggested to Yates the formation of a law partnership between them, which failed of approval. Before his election as governor he had been city attorney at Jacksonville and county judge. He was successful in politics, not only because he inherited a splendid name, but because of his own high personal character.

Under his administration the Legislature passed the excellent Mueller law, which authorized for the first time municipal ownership of street railways and provided a means of paying for same. Under Governor Yates a constitutional amendment permitting consolidation of offices in Chicago and amending its charter was framed, submitted to popular vote and approved by the people at the polls. Governor Yates was the first governor to secure the passage of legislation to carry out the constitutional amendment, adopted in 1886, prohibiting convicts from manufacturing goods which would compete with free labor. During his administration, and at his suggestion, the Legislature enacted a law requiring that convicts be employed in manufacturing only such goods as were necessary to be used in the state institutions. This law proved in operation to be both effective and useful. The manufacture of clothes, shoes, underwear, caps and socks for inmates of state institutions, and furniture and furnishings for state buildings, utilized the labor of the con-



RICHARD YATES, GOVERNOR 1901-1905

victs, kept them steadily employed and furnished necessities to the state without injuriously competing with the goods manufactured by free labor. Prior to the institution of this system by Governor Yates there was great difficulty in keeping the convicts employed at manufacturing labor, the product of which would not compete in the open market with goods manufactured by free labor. In his conduct of the office of governor he displayed distinctive independence of character and refused to be dictated to by the owners of certain powerful papers. At the expiration of his term of office he resumed the practice of the law.

When I was governor, and looking for a Republican of character and integrity to fill the important office of member of the Board of Commissioners of Public Utilities, I was fortunate in being able to secure his services in that position. He performed very able and efficient work for the state. After leaving that position his fellow-citizens of Illinois, in recognition of his character and past services to the state, elected him congressman-at-large, which honorable position he has held for the last twelve years and still holds at the time of this writing.

Former Governor (now Congressman) Yates has the unique distinction of being the only man in Illinois, and so far as I know, the only man in America, to follow his father into the position of governor of a state in the United States.

In the Republican primary of April, 1930, he was a candidate for reelection as a congressman at large from the State of Illinois and as evidence of the esteem in which he is held he led all of his thirteen competitors by many thousand votes. In the congressional and senatorial election held in November, 1930, former Governor Yates was triumphantly elected over both of the Democratic candidates for congressman at large by a plurality of about 18,000 votes, while Mrs. Ruth Hanna McCormick, running on the same Republican ticket on which appeared the name of Richard Yates, was beaten for United States senator by a plurality of about 740,000. No more striking evidence of the worth of high personal character was ever exhibited in the political history of Illinois.

CHAPTER LXV

GOVERNOR DENEEN'S ADMINISTRATION

As the result of a bitter and persistent and undeserved warfare upon Governor Yates the younger by the metropolitan press of Chicago, the latter was not renominated by the Republican party in 1904. The Republican convention placed in nomination as his successor Charles S. Deneen, who was at the time of his nomination serving a second four-year term as state's attorney of Cook County. He conducted his campaign for governor at the same time that Roosevelt was running for President against Alton B. Parker. The result was a foregone conclusion. Roosevelt carried Illinois in 1904 over Parker by a vote of 632,645 against 327,606. McKinley in 1900 had carried Illinois over Bryan by a vote of only 597,985 to 503,061. Deneen, the Republican candidate for governor in 1904, carried the state against Lawrence B. Stringer by a vote of 634,029 to 334,880. Like his predecessor in the office, Richard Yates the younger, Governor Deneen was elected governor when quite a young man. Both he and Yates were only about forty years old when elevated into this exalted position. Governor Deneen had prior to that time a very successful political career. It was my good fortune to have known him both professionally and at times socially before he was elected governor. I was first elected to the Circuit bench in Chicago in 1892. Before that time he and myself had been in active practice at the Chicago bar, and had come into professional contact of an agreeable character. When I was elected to the bench I was assigned to sit in the Criminal Court for some time, and our professional acquaintance (he at the bar and I on the bench) was further extended. In 1896, while I was still on the bench, Deneen was elected state's attorney and our professional intercourse con-



CHARLES S. DENEEN, GOVERNOR 1905-13

tinued more or less until he was elected governor in 1904 and I resigned from the bench in 1905 to become mayor of Chicago. Our professional intercourse naturally developed into a rather platonic friendship which was never marred by our widely different political views. Even when we were opposing candidates for the governorship in 1912 no word escaped either of us during the campaign which altered our friendly personal relations, which continue to this day.

Deneen made a successful prosecuting official. I have often heard fellow-lawyers say that no one can succeed as a public prosecutor who has "either a human heart or bowels of compassion." Upon reflection we must admit, however, that compassion and mercy for the guilty, when they have a place in jurisprudence, should find that place on the bench rather than in the office of the prosecutor. Deneen's first term as state's attorney was a success and he was reelected. During his eight years in the office he sent men that he believed from the evidence guilty, freely and vigorously to the gallows and the penitentiary, whether they were rich or poor, prominent or obscure. When installed as governor in 1905, the most important question that confronted him and the overwhelmingly Republican Legislature, was the passage of a direct primary election law. For some years prior to 1904 there had been in existence a widespread demand for the passage of a law which would enable the people to place in nomination for office candidates not under the control and domination of the political machines. In November, 1904, a proposition was submitted to the effect that a primary law should be enacted which would provide for party primaries at which the voter could vote with an Australian ballot directly for the candidates whom he wished his party to nominate. This proposal was carried by a large majority at the same election at which Deneen was elected governor. In actual or pretended obedience to the popular mandate the Legislature passed a direct primary law in 1905, another in 1906, and still another in 1908, all of which were declared unconstitutional. Finally, in 1910, or six years after the popular demand was made at the polls in 1904, the Legislature enacted a direct primary law which the Supreme Court held valid and constitutional. In other respects

the Legislature under Governor Deneen was more prompt and efficient.

A civil service law was passed upon the governor's recommendation in 1911, under which 4,700 of the 5,500 state employes were placed under the protection of civil service laws.

Under a law enacted in 1909, more competent care of the insane was inaugurated. Under this law, 1,500 insane persons were removed from almshouses and county buildings and placed in state institutions where they could receive curative care.

Under Governor Deneen's administration, upon his recommendation or with his approval, several laws were passed which were of much advantage and benefit to the City of Chicago. One of these was a law abolishing the system of justice courts, which, by reason of the fact that the justices appointed received their fees from the litigants, had become unpopular and lacking in public confidence. In place of the justice courts, the law created twenty-eight municipal courts of record under the supervision of a chief justice. All of the judges of the courts are elected by the people and their salaries fixed by law and paid out of the public treasury. The law has effected a great reform in the methods of the lower courts. Governor Deneen and the Legislature are also to be commended for the passage of a law abolishing township governments within the City of Chicago and unifying to some degree the city government.

A very beneficent law was passed under Governor Deneen permitting Chicago to fix the rates for gas and electricity for power, heating and lighting purposes. Under this law, when I was mayor of Chicago in 1905 to 1907, I requested the Council to reduce the price of gas from \$1 to seventy-five cents. The Council granted my request in part by reducing the price from \$1 to eighty-five cents per thousand cubic feet.

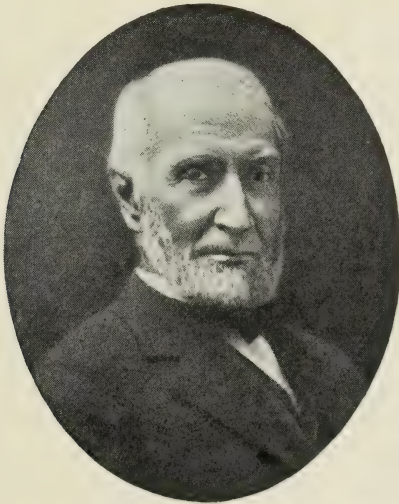
Under Governor Deneen the Legislature also passed a law authorizing cities to construct, maintain and operate municipal harbors, docks and terminal facilities. Under this law Mayor Carter H. Harrison the younger constructed the Municipal Harbor and Municipal Pier of Chicago to the great advantage of the city. In 1907, upon the recommendation of Governor Deneen, the Legislature framed and submitted to the people for

popular vote a constitutional amendment authorizing the issuance of \$20,000,000 bonds to construct a great waterway in the Illinois basin between Lockport (the end of the Sanitary Drainage Canal) and Utica, of sufficient dimensions to insure a waterway for vessels of eight-foot depth, between the Great Lakes and the Gulf of Mexico. The constitutional amendment was adopted in 1908 by a vote of 675,898 to 193,296. Work on the construction of this great project was delayed by litigation during Governor Deneen's term of office.

Governor Deneen was reelected over Adlai E. Stevenson in 1908, though by a greatly reduced plurality. The vote was 550,076 for Deneen as against 526,912 for Stevenson, the latter having proved to be a very popular candidate. During the first year of his second term, a senatorial election was held which threw the Republican party of the state into a bitter controversy, occasioned much political excitement and attracted the attention of the whole state. The term of Albert J. Hopkins, then sitting in the United States Senate as one of the Republican senators from Illinois, had expired. He had offered himself as a candidate for reelection at an advisory popular primary under the then existing law. At this primary he was opposed by George E. Foss, William E. Mason and W. G. Webster. Hopkins was successful in this advisory primary, the vote being as follows: Hopkins received 168,385; Foss, 121,110; Mason, 86,596, and Webster, 14,275. When the Legislature came to vote for United States senator, however, although the Republicans were in an overwhelming majority, they showed no disposition to obey the popular mandate at the primary by concerted action in favor of the winner at the primary, Senator Hopkins. The first vote taken in the senatorial election, January 20, 1909, resulted as follows: Hopkins 89, Foss 16, Mason 6, Shurtleff 12 and Stringer (Democrat) 76. Necessary to a choice, 103. A great many ballots in joint session of the Legislature were taken, but all proved ineffectual and inconclusive and a deadlock ensued which lasted for four months and four days. The last ineffectual ballot, taken May 25, resulted as follows: Hopkins 88, Shurtleff (Republican) 19, Lowden (Republican) 2, Foss (Republican) 7, Mason (Republican) 2, Kelly (Democrat) 11, Calhoun 16, W. B.

McKinley (Republican) 2, Wright 6, Stringer (Democrat) 1, scattering 6. This vote indicated that the Democrats had abandoned all hope of electing one of their own party, and that the Republicans were still hopelessly divided on a candidate who could poll a majority vote.

On the following day, May 26, a political explosion took place in the joint session of the Legislature. A new Republican candidate was brought forward, William Lorimer, a Republican congressman during the years 1895-1901 and 1903-1909. To the great surprise of those who were not "in the know," fifty-five



JOSEPH G. CANNON, ILLINOIS CONGRESSMAN 1873-91, 1893-1913, 1915-21; FOUR TIMES SPEAKER OF THE HOUSE

Republican members of the Legislature and fifty-three Democratic members voted for and elected Congressman Lorimer to the United States Senate. Many were the surmises as to how this cohesion of the majority of the Republican members and the majority of the Democratic members was brought about. Only the leaders of the two parties in the Legislature who were consulted knew the inner workings of the plan. The popular surmise at the time was that too many of the Republican members were irreconcilably opposed to Hopkins; that Hopkins'

friends, in their exasperation against Hopkins' enemies, would vote for no other Republican, and that the moderate Republicans, who were neither bitterly anti-Hopkins nor bitterly pro-Hopkins, failing to get the bitter-enders to agree upon a Republican, turned after four months' deadlock to the Democrats to ascertain whether they could garner enough Democratic votes behind a Republican to elect him and found enough Democrats to aid them if they proposed Congressman Lorimer. The explanation given by the Democrats who voted for Lorimer was that the election of a Democrat was utterly beyond the realm of reasonable hope and that Lorimer was less offensively Republican than any other Republicans mentioned.

Shortly after his election by the Legislature, Lorimer's election to the Senate was duly certified and he was sworn in as senator and took his seat in the Senate of the United States and continued to occupy the same for over three years. About a year after the election of Lorimer, rumors began to be heard in Illinois of a corruption fund that had been raised to bring about his election by bribery. Three different members of the Legislature that voted for Lorimer made statements that they had been paid monies for their votes. Upon the publication of these statements Lorimer, June 20, 1910, arose from his seat in the Senate and moved for, and secured the adoption of, a resolution providing for a senatorial investigation and report as to whether or not "any corrupt methods or practices were used to secure his election." This committee was duly appointed and took testimony in Chicago from September 26 to October 8, 1910. On December 12, 1910, the committee had its final meeting in Washington and decided that the charges of corruption were not sustained.

On January 9, 1911, Senator Beveridge in the Senate offered a resolution reading as follows: "Resolved, that William Lorimer was not duly and legally elected to the United States Senate by the Legislature of Illinois." After a long and acrimonious debate the resolution was defeated by a vote of forty-six nays to forty yeas, March 1, 1911. Soon thereafter the Illinois State Senate appointed a committee to inquire into charges of corruption in the Forty-sixth General Assembly. H. H. Kohlsaas,

editor of the *Chicago Record-Herald*, reported to this committee that Clarence S. Funk, manager of the International Harvester Company, had stated to him that Edward Hines, president of the Edward Hines Lumber Company, had raised a fund of \$100,000 to elect Lorimer, and had asked him, Funk, or his company, to contribute \$10,000 to same and send it to Edward Tilden, the packer. Mr. Funk was summoned to appear before this committee. He appeared and confirmed the statements made by Kohlsaatt. Therefore, Edward Tilden, the packer was asked to appear before the committee, as were also George M. Benedict and William C. Cummings. The two latter, it was claimed, were in possession of certain bank accounts kept by Mr. Tilden at the time it was claimed that the fund was collected. Tilden, Benedict and Cummings all refused to appear before the Senate committee of the State of Illinois which was investigating the alleged charge of corruption. The committee therefore ordered the arrest of Tilden, Benedict and Cummings. These gentlemen thereupon sued out a writ of *habeas corpus* before Judge Petit of the Circuit Court of Cook County. Upon the hearing of the writ of *habeas corpus*, Judge Petit discharged the petitioners, Tilden, Benedict and Cummings, from custody, holding that the State Senate committee had no jurisdiction and that its order of arrest was invalid. The committee, though prevented from examining these three gentlemen, and the bank accounts, reported to the State Senate that it "had reached the conclusion that the election of William Lorimer before the last General Assembly would not have occurred had it not been for bribery and corruption."

On May 18, 1911, the State Senate, by a vote of forty-eight to twenty, adopted a resolution to the effect that in its opinion the election of Mr. Lorimer as senator was induced by bribery and corruption and that the good name of the state and the welfare of the nation demanded that a further investigation should be made by the United States Senate. On June 1, 1911, the United States Senate, by a vote of forty-eight to twenty, adopted a resolution to reopen the inquiry into Mr. Lorimer's election. The case had now developed into one of absorbing public interest and of national importance. Both Lorimer and

the Senate committee retained able counsel. The hearing of testimony began in Washington, June 20, 1911, and continued in that city until August 9, when a recess was taken until October 10. On that day the hearing was resumed and continued in Chicago until November 22. Thereafter the committee resumed work in Washington until February 9, 1912, when the hearing of evidence was concluded. In the hearing, the strict rules as to the admissibility of evidence that prevails in courts of justice were not adhered to, but great latitude was allowed in the investigation. In all, some 180 witnesses were examined, among them Clarence S. Funk, Edward Hines, Cyrus H. McCormick, president of the International Harvester Company; H. H. Kohl-saat, W. H. Cook, Edward Tilden, Charles F. Weihe, Governor Deneen, Nelson W. Aldrich and Senator Boies Penrose. A great deal of bitterness was displayed both by counsel and the witnesses in the hearing and personal and political enmities were mercilessly exposed.

The sub-committee hearing the evidence, March 28, 1912, adopted the following two resolutions by a vote of five to three: "Resolved, that nothing has developed in or by this investigation that justifies the reversal of the solemn and deliberate judgment of the United States Senate, rendered during the last session of the Sixty-first Congress, holding valid the election of William Lorimer as a senator of the United States."

"Resolved, that the testimony failed to show that Senator Lorimer himself used any corrupt practices or means, or had any knowledge that such were used."

On May 20th the committee presented majority and minority reports to the Senate. The majority report was signed by five members of the committee and found that Lorimer was not elected corruptly and was entitled to his seat in the Senate. The minority report, signed by three members, found that corrupt practices had been used to secure Lorimer's election and that he was not entitled to retain his seat. The members of the committee, however, were not content with finding the main and ultimate issue of the controversy, the right of Lorimer to retain his seat in the Senate. The minority report made a number of specific findings as follows: First. That the votes of at

least ten of the legislators were corruptly cast for Lorimer and that five other votes were sold for Lorimer. The resolution specifically gave the names of fifteen of the members of the Legislature against whom this charge was made. Second, that Senator Lorimer and two members of the Legislature whose names were specifically mentioned were guilty of wrong-doing and that Lorimer was responsible therefor. Third, that Edward Hines did participate corruptly in Lorimer's election.

On the other hand, the majority report found that "the Senate has once solemnly and deliberately passed upon the charges made against him (Lorimer). Its judgment, after a full investigation and extensive argument was in his favor and should stand unless new and convincing evidence is produced establishing corruption in his election Absolutely no new and substantial evidence has been produced or discovered on this reinvestigation showing that he was elected by corruption. . . . There is absolutely no evidence in all the evidence submitted intimating, suggesting or charging that William Lorimer was personally guilty of any corrupt practices in securing his election, or that he had any knowledge of any such practices, or that he authorized anyone to employ corrupt practices in his election. We are convinced that no vote was secured for him by bribery that neither Edward Hines nor anyone else raised or contributed to a fund to be used to secure his election."

The Senate took up for consideration and determination both reports on or about June 1. Debate on the matter commenced June 4 and continued until July 14, on which last day Mr. Lorimer concluded the debate in an able and exhaustive three-day speech in an effort to vindicate himself. On that day the whole matter went to final vote, and the Senate, by a vote of fifty-five to twenty-eight, adopted a resolution offered by Senator Lea, which read as follows:

"Resolved, that corrupt methods and practices were employed in the election of William Lorimer to the Senate of the United States from the State of Illinois and that the election therefore was invalid." The passage of this resolution deprived Mr. Lorimer of his seat in the Senate which he had occupied for over three years, and he retired to private life.



OLD MANSION HOUSE, BELLEVILLE

In the mass of testimony heard from the lips of 180 witnesses, the crucial issue was as to whether a corruption fund had been raised and expended to secure Lorimer's election. The Senate, by a vote of nearly two to one, evidently believed that such a fund had been raised and used. That some monies, humorously called by the legislators "jack pots," had been raised and distributed among the legislators in sums of from \$500 to \$2,000 for some corrupt purposes was disclosed by the testimony of some of the legislators, and their testimony amply confirmed the belief that "jack pots" had been in common use among the members of the Legislature for many years past. The Forty-sixth General Assembly, as a result of this investigation, almost universally among the people acquired the title of the "Jack Pot Legislature."

Because of the evil reputation acquired by the overwhelmingly Republican Legislature in 1912, I determined to become a candidate for governor on the Democratic ticket against Governor Deneen, who appeared to be assured of renomination on the Republican ticket. While Governor Deneen was in no way smirched by the Lorimer investigation, and while his integrity and honor were in no way called into question, I believed that the odor of corruption would weaken the whole Republican ticket and every man upon it at the next election. President Taft's costly blunder made in his Winona speech upon the tariff, convinced me that the national Republican ticket would have trouble. I further remembered that Adlai Stevenson had given Governor Deneen a rather close run three years before for governor. As a result I became a candidate, kept hammering "Jack Pot Legislature" in all my talks, and was successful.

CHAPTER LXVI

THE AUTHOR IS ELECTED MAYOR OF CHICAGO, AND RESIGNS FROM THE CIRCUIT BENCH

At this state of writing it becomes necessary for me to inject herein a more personal note. For here I become part of the story. I had commenced to take an active and official part in this highly interesting period of the story of Illinois—first as judge of the Circuit Court of Cook County, then as mayor of Chicago, and later as governor of the state.

The political, legislative, social and economic issues which were before the people during this epoch, and in which I had a prominent place, were of the highest importance in their influence upon the history of Illinois and it seems fitting, therefore, that I should relate fully my part in it.

While I was born in Connecticut October 12, 1853, my parents moved to Peoria, Illinois, when I was two years old. Otherwise, to say the least, it is very doubtful whether I would ever have had occasion to write this chronicle of the history of Illinois or of my part therein.

In the public grammar and high schools of Peoria, Illinois, I obtained by early education, graduating from the Peoria High School in 1870. I afterward attended for three years Trinity College, University of Dublin, Ireland. About 1876, five years after the Chicago fire, I commenced the study of law in Chicago and two years later was admitted to the bar.

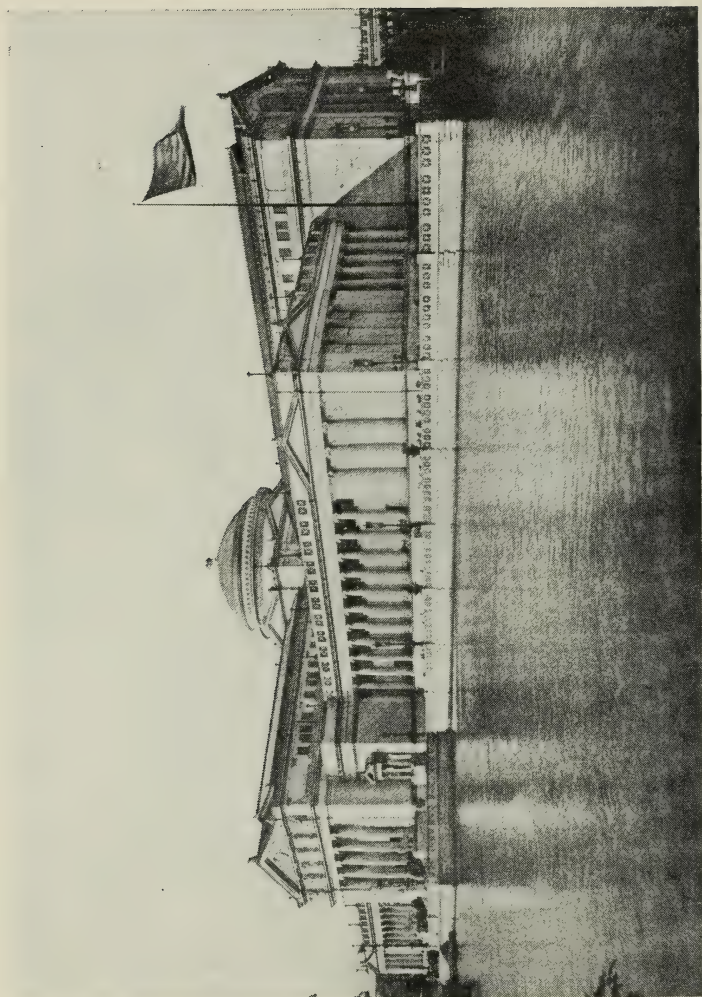
Four years after my admission to practice law, then a struggling young lawyer with but little financial means, I was married to Elizabeth J. Kelly of Chicago. Thirteen children were born of that marriage, nine of whom are living at the present time. As I write I have seventeen grandchildren.

For fifteen years I practiced law in Chicago. My practice at the bar differed very little, I suppose, from that of any other successful lawyer. I had, however, during that period taken a fairly active interest in the various public questions which were being agitated at the time. In politics I was a Democrat and when in 1892 a vacancy occurred on the Circuit bench of Cook County, I was exceedingly fortunate in being nominated for the place when thirty-eight years of age.

After a contest I was elected as judge of the Circuit Court of Cook County to fill the vacancy occasioned by the death of Judge George Driggs, and in 1897 and again in 1903 I was reelected by large majority to fill two full six-year terms. As judge of the Circuit Court I seemed to give satisfaction to the bar and the public and I was thoroughly contented. The work was dignified and congenial to me and not onerous. The salary, while not munificent, was still sufficient for the wants of my growing family and myself. It had to be. The position on the bench gave me time to spend after court in the late afternoons with my books and in the evenings with my family.

As a judge I presided over the trial of many important lawsuits. Space, however, will allow me to refer to but one in particular, and I mention it because it involved the fundamental principle of the freedom of the press. In my opinion delivered from the bench in that case I took a position, which was possibly somewhat advanced at that time but which is now being strongly contended for throughout the country. That position was that the official decisions of judges *after the case is decided* are just as much subject to criticism by the press, as are the acts of any other public officials, and that for such criticism, whether just or unjust, editors are not liable to punishment for contempt of court but can be sued for libel if the criticism is libelous. Incidentally the proceedings in that case were very much in the limelight at the time because of the unusual prominence of the lawyers who participated in it and the persons who were parties to it.

The favorable comment which my decision in that case received not only in Chicago but throughout the entire country may have had a great influence upon my future career. It



FINE ARTS BUILDING AT WORLD'S COLUMBIAN EXPOSITION

An unrivaled example of classical architecture. Since rebuilt in permanent form to house the Rosenwald Museum.

might not be thought to be inappropriate, therefore, to relate briefly the facts concerning the litigation.

The Illinois Legislature in 1897 passed an act the effect of which was to legalize the consolidation of all the gas companies in Chicago except the Ogden Gas Company. The companies thus united formed a practical monopoly which took the name of the Peoples Gas Light and Coke Company, one of the constituent companies.

Very little criticism was made of this law until the fall of 1900. In October of that year a mass meeting was held in the old Central Music Hall, at which resolutions were adopted denouncing the act as harmful to public interests.

A committee was appointed to request State's Attorney (now United States Senator) Deneen to begin quo warranto proceedings against the Peoples Gas Light & Coke Company. State's Attorney Deneen took the matter under advisement and on August 9, 1901, appeared before Judge Murray F. Tuley in the Circuit Court and obtained leave to file the information in the quo warranto proceedings.

Counsel for the gas company immediately went before Judge Elbridge Hanecy of the Circuit Court, who two years previously had been the unsuccessful Republican candidate for mayor of Chicago, and moved to have vacated the order entered by Judge Tuley. On October 6th the motion was taken under advisement by Judge Hanecy and on October 28th was disposed of by him in a written opinion in which he vacated the order entered by Judge Tuley. The opinion was delivered in open court by Judge Hanecy in the forenoon. In the afternoon Hearst's *Chicago American* printed a report of Judge Hanecy's opinion in which the action of the court was criticized as being prejudicial to public welfare, and the next day the same publication published another article, and a cartoon upon Judge Hanecy, the latter of which was probably libelous.

On October 31, 1901, Judge Hanecy cited on a charge of contempt of court because of the published criticism of his opinion, William R. Hearst, proprietor of Hearst's *Chicago American*; S. S. Carvalho, general manager; Andrew M. Lawrence, president and managing editor; and Clare A. Briggs, the artist who

drew the cartoon. In the complaint filed by Judge Hanecy, he stated that the criticism was "intended to terrorize and intimidate this court in the performance and discharge of its duties" in connection with the motion in the quo warranto proceedings. Judge Hanecy held that the case was *pending* when the criticism was published because, although the opinion had been read disposing of the case, no "entry of any judgment or order disposing of said cause was entered by the clerk of the court."

The hearing before Judge Hanecy was set for November 4, on the rule to show cause why the parties named should not be punished for contempt of court. They appeared in court with their attorneys who were former Governor John P. Altgeld, Clarence S. Darrow, William O. Thompson, Samuel Alschuler (now Judge of the United States Circuit Court of Appeals) Adolf Kraus and Charles R. Holden. Judge Hanecy appointed Simeon F. Shope (formerly judge of the Illinois Supreme Court) to prosecute the proceedings, giving as a reason therefor that the attorney-general was absent and not within the jurisdiction of the court, and that the state's attorney of Cook County was a party to the cause. In the answer filed in the contempt proceedings it was contended that there was no contempt inasmuch as the case was *ended* before the criticism was published. Mr. Lawrence assumed all responsibility for the publication. Mr. Canfield admitted having written the article complained of. A motion was made by former Governor Altgeld for a change of venue on the ground that Judge Hanecy was not qualified to try the case because of his personal interest. This motion was denied. A request for a jury was also denied by Judge Hanecy. Arguments were heard and Judge Hanecy took the case under advisement and rendered his decision November 13. He ordered that forty days' imprisonment be imposed upon Mr. Lawrence and thirty days' imprisonment on Mr. Canfield. The charges against S. S. Carvalho and John C. Hammond were dismissed. No action was taken with regard to the charges against William R. Hearst, Homer Davenport or Clare A. Briggs.

Messrs Lawrence and Canfield were brought before me on a writ of *habeas corpus*. The case was argued at length by Mr. Darrow, Mr. Alschuler, Judge Shope and Assistant State's At-

torney Barnett. The arguments closed December 3 with a brilliant address by Clarence S. Darrow on the question of the freedom of the press. The subject of constructive contempt was gone into more exhaustively, I think, than ever before in the legal history of Cook County.

In my opinion which was delivered from the bench December 7, 1901, I held that no contempt had been committed, and discharged the parties, because the language used by Judge Hanecy on October 28, 1901, amounted to a final order disposing of the case then under consideration by him; and it being a final order, under the doctrine of "Contempts" as laid down by the Illinois Supreme Court in the case of Story vs. The People, the press had a right to comment upon and criticize that decision, even to the extent of libeling the honored and respected judge who rendered the opinion without exposing themselves to prosecution for contempt of court.

Public officials, I pointed out in my written opinion, have always been and always will be subject to a criticism because of their official acts.

"It is," my written opinion in part continued, "one of the incidents and burdens of public life. If the criticism is just it will commend itself to the public and be effective for good. If it be unjust and unfair it will fail to injure the man assailed.

"There is no good reason why a judge should have a different law applied to him than is applied to a president, a governor or a member of the Legislature.

"Editorial lawyers who gather their law from the circulation department or the counting room, have differed and will continue to differ with judges who obtain their law and inspiration from law books and legal precedents. But there is no good reason why, after the judge has given his exposition of the law and disposed of the case before him, SUCH AN EDITORIAL LAWYER may not decide the same case to suit himself. It is only when he forestalls the judge with his opinion, and endeavors in his paper to coerce, intimidate, terrorize, wheedle or cajole the judge into agreeing with his newspaper law, that his conduct by any possible construction of the Illinois decisions can become contempt of court.

"It is not without some reluctance, therefore, that I feel constrained to differ so radically with the able and honorable jurist whose order has committed the relators to jail, because of the undeserved assault upon him, and because of my respect and friendship for him. But such consideration must give way before the vital principle involved in the protection of free speech and a free press, a principle so important that it has been carefully and zealously guarded by the constitution of our state and the constitution of the United States and the well considered decisions of our own Supreme Court."

It would be somewhat foreign to the purpose of this work to enter into any detailed account of many of the more or less interesting events which occurred to me personally while I was a judge, but I cannot forego the privilege of relating one incident.

January 12, 1904, I was a member of a delegation from the Iroquois Club, the most influential Chicago Democratic club at that time, which went to Washington to invite the President to deliver an address in Chicago. While in Washington we called at the White House and met President Roosevelt. Congressman Martin Emerich of Chicago introduced the members of the delegation to the President and presented me as the "Roosevelt Democrat of Chicago—the father of thirteen children." I can still see President Roosevelt's characteristic smile as he pumped my right arm up and down and beamed upon me and said, "De-lighted! So this is Judge Dunne? You deserve well of your people. Thirteen children? My, my! You beat me by seven although I have quite a family myself."

Coming from the President of the United States that story, of course, was printed in the press throughout the country.

I would have been glad to remain in my judicial position, but certain events transpired over which I seem at the time to have had but little control.

Along about the time of the President Roosevelt episode, however, a situation of stupendous importance was in process of development in Chicago in which I was to become one of the central figures although at that time I did not know it. Just about a year later as the result of the combination of a certain

set of circumstances, I was to be nominated for mayor of Chicago by the Democratic party, and elected upon a platform advocating municipal ownership of its street railways.

In order to rightly appreciate the temper of the public which brought about my election as mayor of Chicago, it seems appropriate and essential even from a historical point of view to briefly recount the record of the Chicago street railway companies in Chicago, as well as in the state capital, for their machinations often induced them to invade the state house.

From almost the earliest days of the City of Chicago, the conduct of the street car companies was in total disregard of the rights of the people and had at times reeked with graft and corruption. The exploits of at least one of their more brazen manipulators have been woven into romance by a great novelist.

The same "transportation problem" which exists in Chicago today has probably also existed in a greater or less degree almost since the beginning of its history as a city. When Chicago was incorporated as a city by a special act of the Illinois General Assembly on March 4, 1837, there was probably little thought given then to the matter of a local street car system. At that time Chicago had a population of only 4,200 people and its boundaries were North Avenue on the north, Lake Michigan on the east, Twenty-second Street on the south and Wood Street on the west. As local transportation was needed it was furnished by omnibuses as was common at the period.

Probably the first unfortunate factor which had to do with Chicago's future traction problem, although undoubtedly not intended at the time, was the passage of an act by the State Legislature on February 12, 1853, by virtue of which the City of Chicago was divided for certain purposes into three distinct divisions or towns separated by the Chicago River. These divisions were known as South Division, North Division and West Division. This had the not then contemplated result afterward, of causing the creation in the city of three separate and distinct street car companies, instead of one, with exceedingly disastrous results to the city.

The first street car franchise granted by the Common Council of the City of Chicago was of the date of March 4, 1856, when

the city had grown to a population of about 80,000 people and its territory had been extended to Fullerton Avenue on the North, Thirty-first Street on the south, and Western Avenue on the West.

That ordinance granted to certain individuals the right to operate street cars on the north and south sides of the city for a period of twenty-five years thereafter until the city should elect to purchase. Under this first street car franchise ordinance no steps were ever taken and the ordinance is mentioned only because it is significant in that it provided even at that early day for ultimate purchase and public ownership of the lines by the city.

On July 19, 1858, the Common Council passed another ordinance granting to different individuals the right to operate a horse railway over certain streets on the south and west sides. This ordinance was ostensibly for a period of twenty-five years; but in its provisions giving the right to the city to purchase at the end of that period; the terms of the ordinance were ambiguous and might have led to a perpetual franchise. For that reason Mayor Haines, as he then pointed out, vetoed the ordinance. That first veto of Mayor Haines thus early in traction history should have sounded a warning to all future legislative bodies and executives to be ever watchful in their dealings with the representatives of public utilities in order to definitely determine, that the rights of the public might be duly protected.

The nucleus of the present street railway system, however, was provided for in an ordinance adopted by the City Council on August 16, 1858. It granted to Henry Fuller and others the right to conduct a street railway on certain streets of the south and west divisions of the city. The duration of the franchise was *for twenty-five years and thereafter until the city should elect to purchase*, paying therefor a sum to be determined by three commissioners. Almost immediately though, an injunction was issued by the Circuit Court restraining the laying of the tracks on the ground that the City Council had exceeded its powers in passing the ordinance granting the use of the streets of Chicago for street railway purposes.

While it was by no means to be their last, the year 1859 marked the first appearance of the Chicago street car companies in the legislative halls of the State of Illinois. For on February 14th of that year the individuals who were grantees under the ordinance passed by the Chicago City Council on August 16, 1858, obtained a special charter from the State Legislature for the Chicago City Railway Company to run for a period of twenty-five years. It bestowed upon the company the right to the use of the streets named in the ordinance of August 16, 1858, according to the terms and conditions of that ordinance.

Under the provisions of Section 10 of the same act of the Legislature the incorporation of the North Chicago City Railway Company was made possible, the same franchises being given and duties and obligations being imposed upon the latter company, as upon the Chicago City Railway Company. This act did not name any streets, that being left to the discretion of the City Council, but the rights granted covering the City of Chicago and Cook County were for twenty-five years.

On May 23, 1859, the City Council passed another ordinance granting a franchise to the Chicago City Railway Company covering certain streets named in the ordinance "during all the term in the Act of February 14, 1859, specified and prescribed."

Up to this point, there were grants and privileges covering the use of the streets granted by the State Legislature, and the Chicago City Council, to the Chicago City Railway Company and the North Chicago City Railway Company. Next the Chicago West Division Railway Company appeared upon the scene, being incorporated by an act of the State Legislature of February 21, 1861. The Chicago West Division Railway Company was authorized to acquire the rights granted to the Chicago City Railway Company by the Act of the State Legislature of February 14, 1859, and by any ordinance of the City Council; upon such conditions as might be arranged between the two corporations, but it was forbidden to use or construct any tracks in the North Division of the city unless with the consent of the North Chicago Railway Company.



ILLINOIS RIVER FROM PROSPECT HEIGHTS, PEORIA

(From *Illinois Blue Book*.)

On July 30, 1863, the Chicago City Railway Company sold all its rights in and to the streets of the west division of the city to the Chicago West Division Railway Company for \$300,000, which purchase price also included certain construction and operating equipment.

Chicago now, in 1863, had a population of about 150,000 people. It had three separate and distinct street car systems—the Chicago City Railway Company in the South Division of the city, the Chicago West Division Railway Company in the west division of the city, and the North Chicago City Railway Company in the north division of the city. Before the sale of their rights in the west division of the city to the Chicago West Division Railway Company by the Chicago City Railway Company, an agreement for their mutual benefit, protection, profit and advantage was entered into by the said companies.

What was the result even at that day? Instead of “one city, one fare,” it was one city, three fares or even more. For the now three distinct companies, each operating in a particular division of the city, each charged a five-cent fare for a single ride over its lines, and each refused to issue transfers to the lines of either of the other two, and this notwithstanding the fact that the original city ordinance of August 16, 1858, (as well as the Act of the General Assembly of February 15, 1859), gave to the Chicago City Railway rights on the south and west sides of the city providing for a fare of five cents for any distance within the city limits. Thus early in their operations we find the traction interests repudiating their legal obligations to the public. When the city was territorially divided between the companies, through the \$300,000 purchase above referred to, the provision for a five cent fare for any distance within the city limits was promptly forgotten by the companies. But this was only a mild forerunner of what was to follow.

Other ordinances were granted the three distinct companies from time to time, giving them rights to operate street cars on certain additional streets, or parts thereof, in their three different divisions of the city and while in some of the additional ordinances no specific language was used for the purpose, it very evidently, was the intent, of the city authorities at least,

that the franchises of the companies were to be for a period of twenty-five years and no longer.

But the companies seemingly were not content with mere twenty-five year franchises. For their own purposes they wanted their tenacles fastened on the streets for a much longer term than that.

Thus it was that on January 4, 1865, the so called ninety-nine year act first appeared upon the stage in the form of a bill in the Illinois General Assembly. It sought to extend for ninety-nine years, the charters of each of the three street car corporations then operating in the streets of Chicago, notwithstanding that those charters had still almost twenty years to run and there was no need of haste. But the bill was speeded through the House of Representatives and passed that body by a vote of sixty-six to three. The street railway companies "knew their rails" and it was common gossip that the legislative rails had been well greased. The people of Chicago woke up to find out the fact that the street railway companies were endeavoring to entrench their control in the streets for almost a century. Mass meetings were held, petitions were circulated and a committee was appointed to go to Springfield to endeavor to secure the defeat of the bill in the Senate. The committee of Chicago's protesting citizens telegraphed it was on its way but before it got to Springfield, the bill had been read in the Senate three times in one day and passed the same day as was possible under the then constitution of the state by a three-fourths vote, the vote in the Senate being 19 to 4. Where was the emergency? Their rights in the streets were still good for nearly twenty years. But again the right of way had been well oiled as was shown by the almost miraculous speed with which the bill passed the Senate.

What was to be done now? Everybody knew that there were still many years before the franchises would expire, yet this bill sought to extend them for a period of ninety-nine years. There must be "something rotten" not in Denmark this time but in Springfield and in certain traction offices in Chicago as well.

The people became further incensed and aroused. An effort must be made to have the governor veto this nefarious bill.

Another petition was circulated. Another enthusiastic mass meeting filled to overflowing was held in Chicago and another committee of prominent citizens was selected to present the situation to the governor and request him to veto the bill.

One of Illinois' great governors, Gen. Richard J. Oglesby, was at that time the chief executive of the state. To his everlasting credit it must be said that he vetoed this infamous and disgraceful measure.

In his veto message, dated February 4, 1865, the governor analyzed the bill and expressed therein in apt language his objections to the granting of franchises of great value to private corporations with no consideration whatsoever to the city.

In a very able, elaborate and exhaustive veto message, Governor Oglesby declared the bill to be of doubtful constitutionality; and loaded with provisions subversive of public interests which he set out at great length and with elaborate detail, so that Legislature would be fully informed as to the enormity of the proposed law.

But again the rails were well greased and the right of way well oiled, for on the next legislative day after receiving the veto message of the governor, the bill was passed over his veto by a vote of 55 to 22 in the House of Representatives and 18 to 5 in the Senate.

What a travesty on legislation! What an affront to the people of Chicago to attempt by this obnoxious legislation to turn over to traction buccaneers for almost a century the streets which belonged to the people of Chicago!

The traction landlords thought they were now in the saddle. They surmised that they had accomplished their purpose and fastened their control upon the streets of Chicago until 1959. They used this ninety-nine year bugaboo, whenever necessary or expedient to cajol, browbeat, bargain with, and frighten the people of Chicago into submission. But as it turned out, the traction crowd was depending upon a broken reed, for, although I may be getting a little ahead of the story, while I was mayor of the City of Chicago in 1906 the city obtained a decision in the Supreme Court of the United States which was to the effect that the Ninety-nine Year Act, was unconstitutional and void.

Nevertheless, for nearly half a century it played its part and served the purposes of the street car companies, although the city never formally conceded that it conferred upon the companies the rights which the companies claimed.

On August 8, 1870, a new constitution, which is still in effect, went into force in Illinois after its approval by the people of the state. Of its many excellent provisions, one was remarkable because of its application to the traction barons and was called forth no doubt by the protests and mutterings of the people due to the work of the Legislature in voting the ninety-nine year act and especially in passing it over the veto of the governor. The new constitution contained a provision that "no law shall be passed by the General Assembly granting the right to construct and operate street railroads within any city, town or incorporated village without acquiring the consent of the local authorities having control of the road or highway proposed to be occupied by said railroad."

Following the new constitution and on July 1, 1874 the so-called "Horse and Dummy Act" was passed. This act required the consent of the local authorities for the location or construction of any street railroad and provided that such consent *should not thereafter be granted for a longer period than twenty years.*

The City of Chicago on April 23, 1875 adopted a new charter by becoming incorporated under the new "Cities and Villages" act passed by the General Assembly in 1872, pursuant to the terms of the new constitution of 1870. Upon its adoption of this new charter there was delegated to the city by the state the right "to permit, regulate and prohibit the locating, constructing and laying of a track of any horse railroad in any street, alley or public place; but such permission not to be for longer than twenty years."

In the meantime other grants were being made to the street car companies covering extensions of their lines, but these grants were for the most part upon the express condition that the city in no way recognized the claims of the companies under the ninety-nine year act.

The companies up to this time were paying no compensation whatever to the city for the use of the streets but on March 18,

1878 an ordinance was passed by the City Council requiring the companies to pay an annual license fee of \$50 a car. As was their custom, however, the companies immediately contested the ordinance in the courts. After several years delay the legality of the ordinance was finally sustained.

In 1882 the population of Chicago had grown to about 560,000 and cable cars first appeared in Chicago during that year; all street cars before that time, having been propelled by the use of animal power

In the year 1883 a number of franchise ordinances granting twenty-five years, expired and whatever right the city may have had to purchase properties of the companies as contained in the ordinance of August 16, 1858 became available

Carter H Harrison, Sr, was at that time mayor of Chicago. He was probably as able, progressive and honorable a mayor as Chicago has ever had. Many questions then complicated the traction situation. Did the city have the authority to purchase the lines even if it had the money, which it did not? What was there to the claims of the companies under the ninety-nine year act? What was the best solution of the matter?

The Corporation Counsel of the city was asked for an opinion on the legal phases of the subject. Corporation Counsel Francis Adams, later Judge of the Circuit and Appellate Courts, wrote an opinion in favor of the validity of the ninety-nine year act and the authority of the street car companies to continue to operate under its provisions.

So on August 6, 1883 a compromise ordinance was passed by the City Council granting to the street car companies an extension of time upon all of their then existing lines in the city until July 30, 1903. This ordinance also required the companies to pay an annual car license fee of \$50 to be paid to the city for each car operated for 365 days, and compromised the claim of the city against the companies for car license fees owed but not paid by the companies under the former car-license fee ordinance. The provision requiring a license fee of \$50 for each street car operated for 365 days was, of course, a "joker" because if a car operated for less than 365 days, no license fee had to be paid under the ordinance.

Mayor Harrison was evidently in a quandary as to what action to take in relation to the ordinance which was passed extending the rights of the street car companies for twenty years. A message which he then delivered to the City Council of the City of Chicago is characteristically interesting and instructive. The message plainly showed that he did not relish in the least the idea of the passage of the ordinance; but lawyers for the city had advised him that the ninety-nine year act was binding upon the city and he thought it best to defer the final settlement of the question for twenty years, and not to veto the ordinance in the belief that it was from many standpoints the best then obtainable.

Mayor Harrison's message concerning the subject to the City Council dated August 6, 1883, in part is as follows:

To the City Council of the City of Chicago:

GENTLEMEN: You passed, July 30th last, an ordinance concerning street railways in the City of Chicago. As finally passed it contained amendments suggested by myself, the adoption of which, I intimated to my friends of the measure, would make it acceptable. This intimation was made in good faith. I regret, however, the necessity of stating that, on a more close and critical examination, I found that, as construed by me, I could not approve the act, nor permit it to become a law by non-action.

I therefore now explain to you the nature of my objections and what I have done in the premises, and ask your approval of the same. You are all aware that I scrupulously refrain from interfering with your legislative action. I believe that good government requires that the executive and legislative departments of the city, should be as much as possible, independent of each other, and not interfere one with the other, except as suggested by the charter. On this account I ordinarily do not critically examine ordinances until they come to me for approval.

The questions in dispute between the city and the street railway companies have been of so grave a nature, however, that I have for a long time given them close study, and was anxious to arrive at some compromise with them. My reasons for this I will state later herein.

On Saturday when the Corporation Counsel informed me of the necessity of his being absent from the city for

some days, I had just heard that the railroad ordinance would probably come up on the following Monday. I asked him to examine its form and gave him amendments to the substance which I wished him to put in shape. It is due him to state that he was very busy on important matters, and was forced to act more hastily than is his custom. On Sunday he sent me the ordinance and the amendments. I had no time to review them carefully. Monday evening I was told that the ordinance, with the Wickersham amendment, would pass by a large vote. I stated to aldermen that I had amendments, which were indispensable to me. These on request I submitted from the Chair. The next day I studied the whole measure with great care, and reached the conclusion that the 5th section could be construed as a new grant, and that there was nowhere in the ordinance any provision keeping alive the limitations and supervisory control of the City Council, embodied in prior railroad ordinances. For example, prior ordinances, expressly or by reference to others, restrained the railroads from charging over five cents fare to a passenger. This one does not. It is true a State law says that should a contract be entered into between the city and the railroad companies allowing the latter to charge more than five cents, then the Council could again by ordinance reduce such charge. This ordinance leaves the railroads free to make such charge as they may wish and affirmative action therefore on the part of the Council would be necessary to restrain them.

Again, prior ordinances reserve to the Council the right to determine the speed and number of cars necessary for the convenience of the people. This ordinance reserves no such right.

There are other conditions and limitations in prior ordinances, not necessary here to name and not reserved by this measure. You intended no such grant; for I am sure that you, as well as I, thought you were simply giving an extension of time for the operation of the various lines, and as so extended, all the provisions of the several ordinances authorizing such lines were to be in full force.

Immediately on Mr. Adams' return, I submitted my interpretation of this ordinance to him. After careful examination, he admitted that my fears were well grounded, but said he thought that the courts would hold this as a mere extension subject to the prior ordinances. He, however, held that the questions were so important and the uncertainty so great, that it would be my duty to have

the matter settled, or to return to you the ordinance without my approval and to have it amended.

I directed him at once to prepare the amendment. While this was being done, Mr. Turner, president of the North Division railroad, came to me to learn if I could not sign the ordinance so that he could at once prepare for his summer vacation. I frankly made known my doubts and informed him I should be forced to return the ordinance to the Council. He assured me I must be wrong; that his attorney had examined the whole thing, and had never discovered the possibility of such construction. The presidents of the several roads, or their attorneys, then consulted with Mr. Adams and myself. After several meetings, it was determined that a veto would not be necessary; that by action on the part of the directors of the different roads a proper construction could be declared and the ordinance then be accepted by them formally subject to such construction, and that then you could amend the ordinance, and they would accept it as so amended. I found that this procedure had been adopted before, and was practicable and thoroughly binding.

In accordance with this agreement, the directors of the several roads have met. They have each passed a resolution prepared by Mr. Adams, and examined and approved by me. Certified copies under the seal of each corporation, have been furnished me, which I have here. They are all exactly copies, one of the other. One of these I embody in this message; the others differing from it only in the certificate of certification. It is as follows:

(Here the Mayor inserted copy of resolution adopted by the companies.)

I also hand to you the amendment referred to in said resolution, and ask that you adopt it tonight. When adopted it will be a part of the ordinance as accepted by the railway companies. The amendments to the 4th section of the ordinance have been suggested by the president of the West Division Railroad, because when his attorneys examined the ordinance to find if it would bear the construction I placed upon it, they found there might be such construction of said 5th section as would make the cars run on the Lake Street line subject to a double fee. This, of course, was not intended, and Mr. Adams held could not be so construed. But to make it more clear, I have agreed verbally to make the amendment suggested to said section.

You will now please bear with me while I give my reasons for advising a compromise of the questions in dispute between the city and the street railway companies. The public, if we are to judge by newspaper comments and communications, has more erroneous opinions on the whole matter, both as to the laws involved and as to the value of the supposed rights falling into the city's hands during this and next year. To the public, therefore, as well as to you, I address this message.

The questions in dispute between the City and the street railway companies are:

First. The validity of the act of the general assembly of the state known as the ninety-nine year law, extending the right of the railroads to operate their roads within this city.

Second. The right and power of the city to purchase certain of the railway tracks, together with other property about this time under ordinances passed at different times in the past; and

Third. The right of the city to impose and collect a license fee of \$50 upon each car run by said companies within the City.

No one can be more impressed than I by the enormity of the injustice attempted to be perpetuated upon this city by the general assembly of the state by the act of 1865, extending the franchises of the several railroad lines affected by it nearly three-quarters of a century. I have always entered upon the discussion of that act with all of my prejudices arrayed against it. But I am forced to yield to the opinions of lawyers far abler than myself, that the act of 1865 is valid. Hampered as are the courts at the present time by decisions which they consider binding upon them, I fear that were the matter to be taken before them at this time the City would stand a poor show for a favorable decision. There has been, however, a tendency in our higher courts during the past few years to lean somewhat to the people, and to recognize that they have some rights which the legislatures of the day cannot barter off forever to powerful corporations. Day by day the Dartmouth College decision is becoming less and less sacred. Perhaps in twenty years from now the courts may be so free that the city may be able to get a hearing, which to-day would be denied it.

With these views I was anxious to stave off the determination of the question of the validity of the act of 1865.

This present ordinance leaves the whole matter in abeyance for twenty years, and is therefore favorable to the city. Many persons have very exaggerated opinions as to the vast money value of the railway tracks which it is supposed the city is authorized to purchase during the present year. It has been asserted that the profits to accrue to the city upon such lines would run up to a million of dollars. This was based upon the impression that the provisions as to purchase covered the entire system. The fact is far otherwise. There are in the city about sixty miles of street railways. Of these the provisions as to right of purchase cover, I think, tracks of between eight and nine miles in length. Other lines of some eight miles in length run under ordinances which expire in 1894, 1898, and 1899. Of those so covered there are extensions authorized not covered by right of purchase. . . .

If the City should purchase these lines covered by the right of purchase, and the companies should refuse to sell the extensions, inextricable confusion would arise with disputes as to fares or with double fares, which would be onerous to the people, and would cause such lines as are owned by two different authorities to be no practical benefit to the people. The one set of lines would be controlled by men more or less governed by political considerations—the others by men intent on making all they could. Any one can readily see that under such circumstances and conditions the city would find itself the owner of a white elephant of a most demoralized and demoralizing character. It is true these lines so claimed to be covered by right of purchase, are some of them very valuable. But, however valuable these lines may be, the city under the present charter has no power whatever to purchase. It can do only what it is authorized by law to do, and there is no law, which either directly or by the remotest implication, gives it such power. Even if it had the power it could not now for financial reasons do anything of the sort, and no power exists to enable it to delegate to others what it cannot do itself. All the questions with regard to purchase and right of purchase are left to abeyance. Before twenty years shall have elapsed the city's charter may be so amended as to empower it to purchase and run the roads or purchase and sell to others on favorable terms. On this account I consider it fortunate that the city can under ordinance leave such questions to a future time.

The third question in dispute is the right of the city to impose and collect a license fee of \$50 on each car. I am myself thoroughly of the opinion that it can. But here, too, I am met by able adverse legal opinion. In March, 1878, the city passed an ordinance imposing such fee. After several years' delay a decision was had, rendered by Judge Drummond. His associate, Judge Blodgett, acknowledged one of the ablest lawyers in the country, was firmly of the opinion that the ordinance was illegal. Judge Drummond admitted, I am informed, that the amount fixed as a license fee was on the very extreme of fees, which could be imposed under police power, and was careful to certify to the United States Supreme Court the adverse opinion of Judge Blodgett, thus leading me to fear that his own opinion was not a firm conviction. The case is now before the Supreme Court. It cannot be reached under two years. Long delays may then be caused, and then the cause may go against the city, if not upon its merits yet upon some technicality. Decisions of courts are too uncertain to justify one in hanging everything upon the hopes of one to come. We may lose the whole case, and thus be deprived not only of the past license fee but, also, of the future one, for the decision might be against our very right to impose such license, so that we could impose none whatever thereafter. With all these things staring me in the face, I was not only willing but anxious to come to a fair and equitable compromise, which would establish for all time a precedent as to the power of the city to impose a license fee. Is this present compromise an equitable one for the city? It gives it one-half of all the license claimed for the past, and all which it has claimed for the future, and all which, according to Judge Drummond, it could possibly claim. A private individual, who would not compromise on such terms his claims when such grave doubts as to the law exist, with preponderance of opinion against him, would be pronounced obstinate, and if he should then lose the whole the general verdict would be "served him right." If the case were my own I would not hesitate a moment. There is no principle involved, for the principle is by the ordinance conceded to the city. The city needs money now more than I hope it ever will in the future; needs it and has no means of raising it. We have a city hall in which over a million is invested in its present structure. We cannot finish it for the want of a comparatively small amount, so that the million in it lies idle. With vast wealth behind us we are

forbidden by the organic law of the land to borrow a single dollar. If the suit pending with the railroads was absolutely certain to go in our favor we would not borrow a thousand dollars, even if we should hypothecate the entire judgment and should be willing to pay a hundred per cent interest. By this compromise we will get almost immediately one-half of all claimed for the past, with the certainty of all claimed for the future. In addition thereto is the fact that if the city should prosecute the case to the end and lose, it would have a large solicitor's fee and costs to pay; if it should gain the case a still larger fee would become due, several thousand dollars in one case and many thousands in the other. By this ordinance the railroads pay all fees, and these should be counted as added to the amount to be paid for past license fees.

I, therefore, say it is not only a fair compromise, but one which I would deem myself almost criminal not to do all I could to bring it about. It has been asked why the railroad companies are so willing to make this compromise if they feel that they are in so little danger. I can readily see their motives. This ordinance extends the right to operate all of their lines for twenty years from this month. These several lines will begin shortly to drop in and will continue to do so every year or two. For extensions of each they would require affirmative action of the council. They do not wish to be at the mercy of every new council to come in. Again, their profits, if not their very existence, depends to a great extent upon the good will of the people. I have ever since I came into my present position labored with them to show them that a liberal course with the people would in the end be profitable. I can, therefore, understand why they are now willing to make an equitable arrangement with the city. For my own part I am glad that by giving them an extension now on all lines for twenty years, we can during all of those years eliminate them from city politics.

It was along about this time and in the year 1885, that the arch manipulator of the first order, Charles T. Yerkes, arrived in Chicago from Philadelphia, to seek rich "pickings" out of the people of Chicago through the exploitation of their street car companies. He, no doubt, saw great possibilities in the ninety-nine year bugaboo, in watered capitalization and 999 year leases.

Almost immediately after his arrival he set to work to exploit the street car systems in the West and North Divisions of the city. In March, 1886, he and his associates first purchased a majority of the stock of the North Chicago City Railway Company. Then in May of the same year, as he needed a new name and a new company for his purposes, he had incorporated the North Chicago Street Railway Company, and on March 18, 1886, the latter company obtained a lease of all of the property rights and franchises of North Chicago City Railway Company for a term of 999 years.

Likewise June 18, 1887, Yerkes and his associates purchased a majority of the stock of the Chicago West Division Railway Company, and on July 19, 1887, he incorporated the West Chicago Street Railroad Company, thereby establishing a new name only and nothing else, which latter company immediately took a lease of the former company for 999 years also.

In the meantime the Chicago Passenger Railway Company had been incorporated on February 12, 1883, and was operating on certain streets in the west division of the city. So Mr. Yerkes new company, the West Chicago Street Railroad Company, on March 15, 1889, also took a lease on that company.

By April 1, 1889 Yerkes had secured by a lease from the West Chicago Street Railroad Tunnel Company to the West Chicago Street Railroad Company for a period of 999 years the exclusive use, possession and control of the Jackson Street tunnel thereafter to be built.

In 1893 Chicago had a population of 1,253,000. That year marked the time when the first overhead trolley system was installed in the City of Chicago on the lines of the Chicago City Railway Company.

Yerkes and his associates now were in complete control of the traction lines of the north and west sides of the city. They commenced in earnest the exploitation of the public resources. An orgy on over-capitalization was on. New names were used for manipulative purposes. New bonds and stocks were issued thick and fast, one on top of the other, regardless of the value of the properties, to satisfy the greed of the new traction baron and his associates. Exorbitant dividends were paid in cash and



BEAUTY SPOTS IN ILLINOIS

Entrance to Fort Massac; Castle Rock, Dixon; Ohio River near Elizabethtown; Apple River Canyon.

(From *Illinois Blue Book*.)

in stock. The service grew worse. The street car properties became almost junk. The service was demoralized and the people were aroused but Yerkes cared not. His companies' finances, however, were going from bad to worse. He did care about that and something must be done about it. To be sure he had the ninety-nine year boggy to fall back on, but he wanted something more substantial upon which to bolster up the finances and to further expand the capitalization of his companies at the expense of the people of Chicago. He wanted a franchise and he wanted one for a long term of years. The City Council at that time was notoriously corrupt, and he no doubt could have purchased a franchise there but the longest term franchise he could obtain from the city under the then state law was for twenty years. That short term evidently did not suit his purpose. He wanted a longer one.

So the street car barons, who had now become desperate and absolutely unmindful in the slightest degree of the rights of the people, again appealed to the State Legislature.

During Altgeld's administration they obtained the passage of a bill by the Illinois Legislature which gave to city councils the authority to grant street railway companies franchises for ninety-nine years instead of for 20 years and to perpetuate the rights of companies then in operation to the exclusion of new companies. But they were counting their chickens before they were hatched.

At that time there was another of Illinois' truly great governors in the state house, and he promptly vetoed the bill. Though they succeeded in passing it over his veto in the Senate, it failed through his efforts of passage in the House of Representatives.

Governor Altgeld's veto message of that legislation was in my opinion one of the greatest state papers ever written by any governor in the history of the state.

Three different bills had passed the State Legislature, all three of them as Governor Altgeld pointed out "legalizing monopoly." So at one stroke in his veto message, which explains itself more pertinently than I could do so, the governor nailed them all to the mast including the said street railway act.

"I herewith return without my approval," said Governor Altgeld in his message to the Legislature, "Senate Bill No. 138, entitled an act concerning street railroads and to repeal a certain act therein named.

"Also Senate bill No. 137, entitled An act concerning elevated railroads and to regulate the same.

"I have also returned to the House without my approval House bill No. 618, entitled An act to regulate the granting of franchises and special privileges by cities, villages and incorporated towns.

"While these three bills relate to different subjects they all involve the same principle and are subject to the same fundamental objections in this, that they legalize monopoly. In giving my reasons at length for withholding my approval, I deem it best to point out the objections to the three bills in order to more clearly show the principle involved, so that in case your honorable body should decide to amend the measures you can the more readily meet the difficulties presented.

"The law now provides that corporations may be formed for ninety-nine years, but a city council can only grant an ordinance to operate a street railway in a street for twenty years. The purpose of this limitation is to enable cities at certain intervals to impose such conditions in respect to revenue, or accommodations, or rates of fare as may be deemed necessary to protect the public interests. Now, each of the first two bills gives a city council power to grant an ordinance for the full life of the corporation, that is, ninety-nine years, so that it would be in the power of a city council to give away to a street railway not only the rights of this generation, but the rights of future generations, and these bills make no provision for securing to the public any compensation or protection in return.

"Second. The law now provides that an ordinance to build a street railway in a street can only be granted on condition that the company will pay all damages which owners of abutting property on the street or public ground may sustain by reason of the building of such road, such damage to be ascertained by

court proceedings under the laws relating to eminent domain. Bill No. 138 repeals this provision.

"Third. There can be no competing street railway unless it can get into the heart of a town. In large cities, especially in Chicago, all of the downtown streets are already occupied. As a street railroad gets no title or exclusive right to a street, it has happened in the past that a new company was given a license by the city to put down a second track for a few blocks on a street already occupied. In such a case each of the rails of the second road is laid a few inches from the rails of the old road, so that the cars have practically to move over the same ground. But Section 5 of Bill 138 contains a proviso which would enable an old company to prevent such a privilege being granted to a second corporation if it in the slightest degree delayed or interfered with the old company's operations.

"Fourth. Both of these bills, 137 and 138, expressly provide that any property holder can enjoin any new company from beginning work, by alleging that it did not have a petition signed by the owners of a majority of the frontage before the city council granted an ordinance. None of the old companies were subject to this provision, as it was generally held that the attorney representing the State could alone maintain such a suit. But under this new provision an old company could get some resident property holders to commence a large number of suits in the different State courts, and some non-resident property owners to commence suits in the United States courts, and thus not only tie up any new company in the court for years, but wear it out before it could lay down a rail. Legislation to protect a property holder is very much to be desired but legislation which is manifestly intended to enable corporations to use a property holder as a convenience in order to establish or perpetuate a monopoly can never benefit the public.

"Fifth. These bills provide that no company shall have the right to even go into the court and condemn any part of or anything pertaining to any of the existing roads, or of any road which may be built under privilege already obtained, so that, when applied to Chicago, no matter how much the city may grow in the future, no new or competing road can be built,

because the existing roads have been so located that it will be impossible for a new line to get into the heart of the city without at some point having to strike and, to a limited extent at least, interfere with an existing road. Should a loop be built in Chicago for the elevated roads on streets now contemplated it would then be impossible for any new road to get into the heart of the town. This clause of the bills was evidently intended to prevent any further effort at competition and thus to practically give a monopoly for a century, and that without giving the public anything in return.

"Sixth. Again, each of these bills contains a provision which expressly authorizes consolidation on the part of any number of roads so that they can in the end all come under one management. That is, this provision expressly legalizes monopoly. It is true there is a clause in Bill No. 137 which says that competing lines shall not consolidate, but practically there are no competing lines in Chicago now, and, as the other provisions of the bills will prevent any competing road from being built, it is evident that this clause does not signify anything. Taking all of the provisions of the two bills, it is evident that they were intended to create, and if they become laws will create, a monopoly in Chicago of both the street railway and the elevated railway business for nearly a hundred years to come.

"House Bill No. 618 provides that before a city council can grant a privilege to lay gas pipes or to string wires for conducting electricity a petition must be presented, signed by the owners of a majority of the land frontage of each block or any street or alley in which it is proposed to lay such pipes or string such wires.

"All of the old gas companies have their pipes in the streets of Chicago and several new companies recently formed have their permits to put in pipes and string electric wires where they choose, and consequently would not be affected by this bill. A brief examination of this measure shows that if it were to become a law it would be in the power of the existing companies to prevent for all time any new or competing company from putting down pipe or stringing any wires, for they would only need to prevent the new company from getting the signatures

of the owners of a majority of the frontage of one block on any street proposed to be occupied by the new company. Had the bill provided in express terms that the existing companies should for all time have a monopoly of furnishing gas, electric light, etc., in the city of Chicago it could scarcely have been more effective. So that this bill, like the other two, aims to legalize monopoly.

"In considering these three bills the fundamental question arises at the threshold, whether we have reached a point in our career where we are willing to legalize what during our whole history and by all civilized nations has been condemned. Are we prepared to reverse the entire policy of all government on this question, and that too without securing any compensation? It is true that in some instances other governments have sold special privileges or granted monopolies and the State derived a consideration for them, but this was at the beginning of an enterprise and not after it was established. On the contrary, making a monopoly has for years been a crime punishable by both fine and imprisonment in England and in this country. It is the business of government to protect all interests alike, and if any interest is to receive special attention it should be the weaker and not the more powerful.

"Again, these bills would instantly increase the value of the properties of the various corporations interested many millions of dollars, to say nothing of the future, and all this without any effort on their part. It is a flagrant attempt to increase the riches of some men at the expense of others by means of legislation.

"It may be true that there is now in Chicago practically a monopoly in all of the lines of business covered by these bills and it may also be true that this condition will continue whether these bills become a law or not, but there is a great difference between enduring an evil which can not be avoided and deliberately taking it into your arms.

"Some of the largest, most conservative and best governed cities of Europe and America now furnish their inhabitants gas, electric light and even street car service, and do this at greatly reduced rates and yet derive a large revenue from this

source, just as Chicago now does in furnishing water. If we had a law permitting cities to do the same in this State, then, if these bills were adopted, the people could at any time free themselves from the monopoly by building or acquiring plants and furnishing the service themselves, or, if the corporations could be compelled to pay a part of their gross earnings, into the treasury, then the public would get some compensation. Or if any citizen who suffers from the exactions of monopoly could on certain conditions go into a court of record and get protection against excessive charges the case would be different. It is asserted that combinations do not injure the public, but I remember that about eight years ago gas sold at one dollar per thousand feet in Chicago. Then the trust was formed and the price was at once advanced to dollar and a quarter. It has also been argued that the entire trend of modern civilization is toward concentration and consolidation and that no power can arrest this force; that all the anti-trust laws are a dead letter and have accomplished nothing; that while the law may now forbid one corporation from combining or consolidating with other corporations, yet men who own stock in one corporation cannot be prevented from owning stock in other corporations and consequently a number of corporations cannot be prevented from acting in harmony or working together; that great concentrations of capital can and will control any situation and that consequently it is idle to talk about competition in large cities in any business in which monopoly is possible; that in Chicago we have had monopolies for many years in the lines of business covered by these bills and that this condition will continue whether these bills become a law or not. It is sufficient to say in answer to this argument that, if it is true, then it simply shows the necessity for finding some other way of protecting the public, and it furnishes no excuse for an unconditional surrender by the government to the corporations. If it is true that the days of competition are over, then some other method of protecting the public should be placed on the statute books before the State legalizes that which it has condemned for centuries. If the corporations involved require legislation to

properly protect them then it should be promptly passed with just limitations.

“But to pass these bills under existing conditions and without any limitations would be to fasten a collar on the future and to levy tribute on generations yet to come, and all this simply to further enrich a few private individuals. It is idle to say that the bills can be repealed in the future, for, if the existing corporations are now able to get affirmative legislation of this character they can easily prevent its repeal. Besides, a repeal could not affect any privileges which any corporation might in the meantime have acquired under them. I am therefore obliged to withhold my approval from each of these bills, because they attempt to reverse the theory and traditions of government by legalizing monopoly and make no provisions for protecting the public.

“Second. Because their effect would be to increase the riches of some men at the expense of others by legislation.

“Third. Because they would shackle a great city. I love Chicago and am not willing to help forge a chain which would bind her people hand and foot for all time to the wheels of monopoly and leave them no chance to escape.”

With the complaisant city council then holding office in the City of Chicago, the companies without much doubt could have secured a ninety-nine year franchise, if that bill had become a law; and it would in all probability have granted said franchise except for the veto interposed by that great man to this scandalous attempt to overreach the people by legislative act.

Governor Altgeld, years afterward when I met him in Chicago in a cheap restaurant, told me he could have gotten without any danger whatsoever of prosecution to himself \$500,000 if he had permitted that bill to become a law. He was at the time in straightened financial circumstances, although when elected governor he was reputed to be a millionaire. But Governor Altgeld was not the “traction” type of a public official.

Hardly, however, had Governor Altgeld retired in January, 1897, as chief executive of the state, than more venal legislation in the interest of the traction companies popped up in the legislative halls in Springfield. The so called Humphrey bills

were introduced in the State Senate February 17, 1897. These bills were three in number known as Senate Bills 148, 149 and 150.

Bill 148 provided that the governor might appoint a state commission, the said commission to have control of all street and elevated railways in the state.

Bill 149 provided that the franchises of all street railway companies in actual operation on the first Tuesday of September, 1897, should be extended for forty years upon one payment of certain mileage fees by the companies for the entire forty years.

Bill 150 provided for the payment by the companies to the State Treasurer of 2 per cent of their gross earnings, two-thirds of which might in certain circumstances be paid by the State Treasurer to the city in which the street car lines were located.

Bill No. 148 was recommended by the committee to whom it was referred to the Senate for passage. The other two bills were combined in a new bill known as Senate Bill 258, which was also recommended for passage by the same committee. The important features of this latter bill were that the bill extended the power of cities to grant franchises to fifty years, and further provided that every street railway franchise then in force be extended for a period of fifty years from the first Tuesday in September, 1897, the companies to pay a certain compensation based on gross earnings.

Again Chicago rose in arms and protested. Again meetings of indignation were held and committees appointed. Yerkes and the powerful street railway lobby were at Springfield.

Notwithstanding the protests of the citizens of Chicago, the bills passed the Senate on April 16, 1897. Now the temper of the people became aroused to fever heat.

Led by an almost unanimous press of Chicago the people arose in their might. Further mass meetings were held throughout the city, resolutions were adopted by civic organizations, labor organizations and other organizations. Committees were sent to Springfield to protest against the passage of the bills by the House. Outraged public opinion at last became too strong at the moment to be defied by the legislators in favor of the traction barons. On May 12, the bills died in the House.

The so-called Humphrey bills were dead. Chicago was congratulating itself. But not for long. The traction barons were still at work in Springfield. Twelve days later the so-called Allen bill appeared in the House. You may imagine what was the chagrin of the people of Chicago to find that within one week it passed both the House and Senate and on June 9, 1897, was approved by Governor John R. Tanner.

Though perhaps not as thoroughly bad as the so-called Humphrey bills, the Allen law was bad enough. It was notoriously in the interest of the traction companies of Chicago. It provided that cities might thereafter grant franchises for fifty years and fixed the rate of fare for the first twenty years at 5 cents. It permitted non-competing companies to consolidate. It prevented competition by prohibiting the use of the tracks of any company by any other company without the other's consent.

In April, 1896, John Maynard Harlan, who was nine years later to be my opponent in the election for mayor of Chicago, was elected to the Chicago Council. From the start he took an aggressive position against boodlers and grafters in the City Council. Following almost immediately upon Governor Tanner's approval of the Allen law and on June 21, 1897, Mr. Harlan introduced a resolution in the City Council asking the appointment of a committee and directing such committee to make a detailed report upon the franchises of the various street railway companies, the financial status of the companies, etc.

Pursuant to that resolution, Carter H. Harrison, the younger, who had been elected mayor in April, 1897, appointed the following committee, the mayor himself being the ex-officio chairman:

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| Ald. John Maynard Harlan | Ald. Adolphus W. Maltby |
| Ald. William S. Jackson | Ald. William T. Maypole |

The committee thereafter, pursuant to the resolution, promulgated a report which became known as the Harlan report—an invaluable public document—tracing from the beginning as it did and listing the various franchises under which the traction

companies were operating; as well as going thoroughly into the financial operations of the companies; showing the great over-capitalization thereof; and the enormous profits which accrued to those in control of the companies while the people of Chicago had been holding the bag. The committee found that for some streets on which street railways were operating, no specific grant had ever been given, so far as the investigation of the committee could ascertain. The street car companies refused to assist the committee with any information. Mr. Yerkes, the president of the north and west side companies, peremptorily declined to render the committee any assistance whatever, while M. K. Bowen, president of the south side company, to use the language in the report of the committee "told the committee's representative in rather cavalier language and in an equally cavalier spirit; that he would when he got ready, answer such questions as he thought it might be of use to the public to know." But he never did. This was the haughty and arrogant attitude of those in control of these quasi-public corporations toward the regularly constituted city authorities in the year of our Lord, 1898. What a commentary! No wonder the people were getting ready, to hold to a stricter accounting the almost omnipotent traction companies.

The traction question commenced to become an issue of increasing importance in the city aldermanic and mayoralty campaigns. The calibre of the men elected to the city council was gradually undergoing a change, but Yerkes still thought he controlled the council. Maybe he did, but possibly he did not know that he did not control enough votes to pass a fifty year franchise over the veto of Mayor Harrison, and Mayor Harrison had publicly announced he would veto any such ordinance.

Nonetheless, December 5, 1898, under the provisions of the Allen law, an ordinance was introduced in the City Council by Alderman Lyman, accompanied by a letter from the presidents of the car companies, urging its adoption; the purport of which would be to extend for a period of fifty years the rights granted under all ordinances adopted prior to July 1, 1897. It contained

no provisions for improved service, through routes, unified service or other betterments.

The Lyman ordinance was introduced in the City Council notwithstanding the fact that at the November elections held in 1898 a campaign had been most successfully conducted against those legislators who had voted for the Allen law or the Humphrey bills and the verdict of the people had been unmistakable.

Now the people of Chicago were not in the mood to permit their representatives in the city council to barter away their streets for another fifty years. On January 23, 1899, the city council passed a resolution, demanding of the State Legislature that the Allen law be repealed. The General Assembly had come to understand the wrath of an outraged public, and learned the error of its ways and the Allen law was taken off the statute books by the Legislature about six weeks later. That ended the Lyman ordinance which was placed on file by the city council.

Next we come upon more corporation juggling. March 7, 1899, The Chicago Union Traction Company was incorporated by Mr. Yerkes and his associates, and on June 1, 1899 there took place the consolidation under the latter corporation of the lines of the North Chicago Street Railroad Company and the West Chicago Street Railroad Company.

Again, December 1, 1899, the Chicago Consolidated Traction Company was incorporated by the same Yerkes and his associates and on December 1, 1899, it entered into an operating agreement for fifty years with the Union Traction Company, the effect of which was to give to the Union Traction Company control of the Consolidated Traction Company. Instead of extending the lines of the existing North and West side systems, the Yerkes management had organized independent companies to develop feed lines some of which extended beyond the city limits, and this forsooth always meant double fares and extra "mazuma" for the traction landlords.

On May 20, 1901, the city council created a Committee on Local Transportation to consider from that time on, the various problems connected with the traction question. It made a report on December 11, 1901, and recommended to the city council the passage of an ordinance extending the franchises of the company

for twenty years, but giving the right to the city after ten years to terminate the grant by purchasing the tangible properties of the companies. This recommended ordinance was an improvement over any previous ordinance; but the people were not in the mood to have anything further to do with the street car companies in the way of granting them new privileges if they could help it.

The brazen attitude assumed by the traction companies; the inefficient service rendered; their known exploitations within the realm of high finance at this time and for some years previously; were causing the people of Chicago to seriously consider the subject of getting rid of their traction landlords, once and for all, and of owning the traction lines themselves.

Mayor Harrison the younger for a number of years had insisted in his messages to the city council and in other public utterances, upon the insertion in any franchise given the companies of a provision for municipal ownership of the lines at the expiration of the franchise and the idea of municipal ownership, on account of the tactics and conduct of the street car companies, was taking a strong hold upon the public pulse.

They soon were to be given an opportunity to express that opinion at the ballot box. The State Legislature in 1901 had passed the public policy act under which, by the filing of a petition containing a certain number of signatures with the proper authorities, the people would have the right to express at the polls their views upon matters of public policy. Though this expression of opinion had no binding force, it at least presented a means through which the voice of the people might be heard.

On April 1, 1902, under the public policy act mentioned, the proposition of the ownership by the City of Chicago, of the street railways was first officially submitted to the individual voters of Chicago in the following form:

For the ownership by the City of Chicago of the street railways within the corporate limits of said city.

Although at this time no state law had been enacted giving the city the authority to own street railways, nevertheless an

aroused electorate voted to the tune of 142,826 in favor of public ownership to 27,998 against, or in favor of public ownership in the proportion of over five to one.

The next object sought, consequently, by the people of Chicago was to place the city in a position where it could own and operate or own or operate its own street cars. Five-sixths of the people had demanded it by popular vote. The city council had demanded it and had appointed a municipal ownership committee with instructions to draft a bill for that purpose. A bill had been introduced in the State Legislature early in 1903 known as the Mueller bill. Both the great political platforms in the mayoralty campaign of 1903 had professed themselves in favor of it. Mayor Harrison the younger who was seeking reelection on the Democratic ticket, and Graeme Stuart, his opponent on the Republican ticket, had appointed a joint committee of fifty to go to Springfield to urge its passage. But the bill slumbered in a Republican legislative committee in Springfield until after the mayoralty election. The people of Chicago resented the Rip Van Winkle attitude of the Republican Legislature, which undoubtedly contributed to Mayor Harrison's reelection as mayor on the Democratic ticket. Finally, following the mayoralty election overwhelming public sentiment, (after a riot had been precipitated in the House of Representatives; and Speaker Mueller driven from the rostrum by brute strength) forced the Mueller bill down the speakers throat in the House, through the Senate and through the governor's office. It was not an ideal bill. It was not the bill that was formulated and presented to the Legislature by the friends of municipal ownership. It had many defects incorporated into it by the corruption and intrigue of political machinery, but none the less it was at that time thought, by able constitutional lawyers, to be a law under which the people of Chicago, if they asserted their rights and were firm and insistent upon them, could acquire, own and operate their street cars for their own benefit.

The Mueller law in brief sought to give to the city the right to own, construct, purchase and operate street railways within its corporate limits, and to lease the same for a period not longer than twenty years, but under it no city could operate

street railways until the proposition had been approved by three-fifths of those voting thereon. To acquire city railways the city was authorized to issue bonds for the cost thereof and 10 per cent in addition, pledging the faith and credit of the city, but the proposition to issue such bonds must be submitted to popular vote and be approved by two-thirds of those voting thereon. Or the city might issue "street railway certificates," not to be a general obligation of the city, but payable solely out of the revenue of the street railway properties; but the issuance of such street railway certificates must also be approved by a majority vote of the people.

After the Mueller bill had been enacted by the Legislature, it still had to be approved by the people of Chicago; but the drift of the people toward municipal ownership became more manifest than ever before.

The street car companies did not of course fancy the turn that things were taking even though it was largely through their own stupidity or worse. Without a franchise they surmised it would become a difficult proposition for the Union Traction Company, for instance, to further manipulate its securities. It was harder they found to raise money. The investors had lost a good deal of their gullibility. So on April 22, 1903, they so contrived that receivers for the Union Traction Company were appointed by Judge Peter S. Grosscup of the United States Circuit Court. The receivers of the traction company, thereupon as was to be expected, presented for adjudication to Federal Judge Grosscup that last old standby and venerable fly-by-night of the traction companies—the ninety-nine year act—and contended for its validity. Judge Grosscup on May 28, 1904 in an absolutely erroneous opinion sustained in large part their contentions. His decision held that the effect of the ninety-nine year act was to extend for ninety-nine years the franchise rights of the companies for certain of their lines. Prior to that time he (the judge) had appointed his own clerk one of the receivers of the company at an enormous salary.

Many persons in and out of public life in Chicago for some time past had been strenuously advocating municipal ownership. I was one of them. I had made an extensive study of the subject

and had many years before become a firm believer in public ownership of public utilities, and my conviction in that regard had been confirmed by my experience gained in travel in European countries where municipal ownership and operation were successfully in force.

Naturally, therefore, I strongly advised the adoption at the ballot box of the Mueller law by the people of Chicago.

In a public address which I delivered before many public gatherings in Chicago at the time I fully explained my views upon the question of municipal ownership as well as in relation to the then traction issue in Chicago.

"In recent years," I said in that address, "perhaps no subject has engrossed so much of the attention of the public in great cities of this country, and in Chicago particularly, as the question of the ownership and operation by the public of public utilities. By these I mean street cars, gas works, electric light plants, telephones, telegraphs, railroads and other enterprises the operation of which requires the possession and use of public property.

"No subject is of more vital interest to the inhabitants of cities, who are compelled, day by day and year by year, to make use of and pay for these utilities, whether they like them or not.

"A resident of a city may dicker, bargain with and change his butcher, his baker, his haberdasher, his tailor, his lawyer, and his doctor, if he is not satisfied with his services or his charges, but when he comes to pay his street car fare, his electric light or telephone bills there is room for neither dicker, trade nor change. He must stand up and deliver, no matter how unreasonable the charge or unsatisfactory the service.

"If he objects to the street car service or its price, he is thrown off the car. If he demurs to the service or price for gas or electric light, it is shut off. If he criticises his telephone bill his 'phone is pulled out. He has learned by experience that individual protest or objection is unavailing.

"The existence, in this community and elsewhere, in cities, of grave and scandalous abuses, both in the service given and the prices charged for such utilities, and the recognition by thousands of the utter helplessness of citizens, as individuals, to help themselves or correct these evils, which have become

over-burdensome and intolerable, have brought about in many of the great cities of the world a great unrest and public agitation for the correction of these intolerable evils.

"In this city today a citizen is charged from \$40 to \$175 for the annual rent of a telephone, and the service is not overgood at that. The same service is given in Stockholm, Sweden, for \$20 a year, on the average; in Christiania, Norway, for \$22 a year, on the average; In Trondhjem, Norway, for \$13.50 a year, on the average; in Berne and Zurich, Switzerland, for \$10 and upward; in Berlin, for \$36 per annum; in Copenhagen, from \$27 to \$48, and in Paris, France, for \$78.

"In Chicago today we are paying \$1 per thousand feet for gas, which has been sold to the citizens of Hyde Park, in this city, up to three years ago, for many years past, for seventy-two cents per thousand.

"The city of Glasgow is charging fifty-two cents for the same kind of gas, and the average price charged by all cities in England operating municipal gas plants in 1897, was only seventy-five cents, upon which price the municipalities netted eighteen and one-third cents profit, making the gas cost the consumer only fifty-six cents net.

"In Chicago today electric light companies charge from \$105 to \$125 per annum per arc lamp. They are empowered by law to sell electric light to private consumers all over the city, while the city, which can not sell light to private consumers, but can only produce such light for municipal use, is producing the same for \$99 per lamp.

"The city of Detroit is producing the same light for \$61 per arc light; Aurora, Illinois, for \$50; Elgin, Illinois, for \$50, and Bay City, Michigan, for \$52.

"In Chicago today the shortest ride a man can take on the street car costs him five cents, and then he rides a great part of the way hanging to a strap, most of the time in a dirty car, and always during the rush hours, jammed, jostled and jolted about in a manner that is irritating to his fellow passengers and indecent to the gentler sex.

"The fare paid in other great cities of the world, outside of the United States, is about half of this amount.

"In most other American cities a citizen is charged the same price for the same reason, to-wit, because the service is in the hands of private companies.

"This state of facts and figures in Chicago, and this state of facts and figures elsewhere in the world, has caused, is causing and will cause the people of Chicago to endeavor to find the reason for this situation of affairs, this discrepancy in the cost of such necessities of life, and when the cause has been discovered, to find a remedy.

"On the threshold of this injury the people of Chicago have discovered that all these public utilities furnished to the citizens of the city of Chicago are owned and operated by private corporations, organized and conducted for private gain.

"On stepping over the threshold into the vestibule of the investigation they have also found that in all the cities above mentioned, where public utilities were furnished at a cheaper price, these public utilities were being owned and operated by the public—in other words, by the municipalities themselves.

"Must or must we not conclude that the difference in ownership and operation is the cause of the wide discrepancy in the cost of these absolutely essential necessities of life to the residents of cities?

"This is the subject for consideration by you and me today.

"If it be found upon investigation that in Chicago and other cities where these public utilities are furnished by private persons or corporations, the prices charged for the same are higher than they are in a few other large cities, where these utilities are furnished by public corporations, it might appear upon investigation that the different prices result from many and various causes.

"But if we find upon investigation that private corporations in different parts of the world and under varying conditions nearly always charge more than public corporations for the same service, we must conclude that private corporations charge exorbitant prices, and that it is to the interest of the public to place the production of their utilities in the hands of the public authorities.

"According to the official report of the American consul in Liverpool, now on file in Washington, dated May 19, 1902, we find:

"There are now in Great Britain 931 municipalities owning waterworks; 99 owning the street railways; 240 owning the gas works; and 181 supplying electricity. Municipalities were not allowed to work tramways until 1896. It is estimated that half the gas users in England use municipal gas.

"Among the municipalities owning and operating street cars are cities ranging from 4,000,000 to 50,000 inhabitants.

"In Germany, Wurttemberg, Bavaria, Bulgaria, and some of the Australian states all telephones are owned by the public. In Switzerland nearly, if not all, of the telephone systems are owned by municipalities. Many of the municipalities of Norway and Sweden own their own telephone systems, and in the duchy of Luxemburg the telephone system is owned and operated by the duchy. In Holland the telephone system was private till 1896, when the leading cities, Amsterdam and Rotterdam, secured franchises for municipal plants. In France the telephone was in private hands till 1899, when the government took possession and reduced rates. Austria and Belgium began with private exchanges and afterward adopted public ownership. In Denmark the government in 1898 assumed control of the telephone business, reserving the power to fix rates, and in England there is a decided movement from private to public ownership.

"Municipal ownership and operation is now practically in force in the following great cities of Great Britain:

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| London (in part) | Glasgow | Leeds |
| Southampton | Nottingham | Liverpool |
| Hull | Bradford | Blackburn |
| Aberdeen | Sheffield | Huddersfield |

nearly all of which cities have a population of from 100,000 to over a million.

"In Milan, Italy, a city of a half million, the city owns its gas works and railways, and has a joint interest with the private corporation in the net proceeds of the company. In Saxony the gas plant is owned by the public. In Great Britain over 60 per cent of all the gas consumers are served by publicly owned com-

panies. Birmingham, Glasgow, Manchester, Leicester, Nottingham, etc., own their own gas works.

"Let us now examine and see what are the prices charged in these different countries for the public utilities when furnished by public corporations:

"Telephone charges in the United States are three times the government tariff in England, and also three times the charges permitted by the government in France.

"In Trondhjem, Norway, with 780 exchange lines, the average rental was \$13.25 a year per 'phone. Subscribers speak to eleven towns, within a radius of fifty miles, for five minutes for five cents.

"Stockholm has an average of \$20 per 'phone, and communication within a radius of forty-three miles. The Bell company, bought out by the government, charged \$44 for the same service. The public telephone of the duchy of Luxemburg (forty-four by thirty miles) makes a uniform yearly charge of \$16 for each 'phone, and each subscriber can talk all over the duchy.

"In Switzerland, which has an excellent system (metallic circuit), the cities make a moderate charge of \$8, plus one cent for each call. In Zurich and other cities the average total rate is \$15 per 'phone per year.

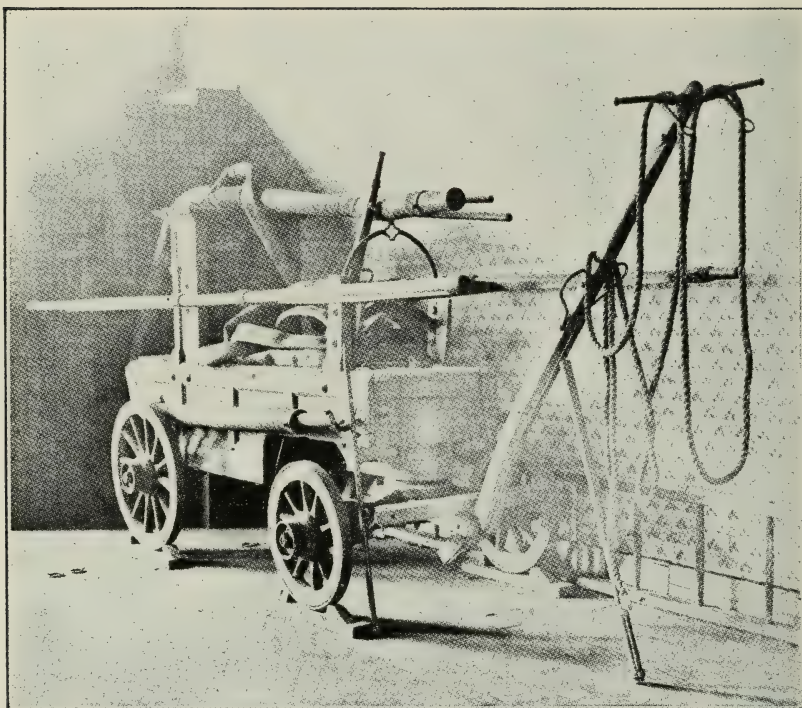
"In Sweden there are 160 cooperative telephone exchanges, and the average of their charges is \$10 per 'phone per year.

"In England, wherever municipal ownership has been established, the cost of gas is considerably less than where the gas is furnished by private companies.

"The private companies operating in Glasgow, before the same were purchased by the municipality, charged consumers \$1 per thousand feet, while the municipal company now being operated by the City of Glasgow charges 52 cents per thousand.

"Private gas companies in England are now charging ninety cents per thousand and publicly owned companies charge from fifty-two to eighty cents per thousand.

"The private gas company or companies in the City of Chicago, as we all know, charge \$1 per thousand for gas, and in many cities of the United States private gas companies charge considerably more.



"QUINCY NO. 1. ROUGH AND READY"

The first fire engine brought to the State of Illinois. It was purchased by the City of Quincy in 1839 and was manned by volunteers from the ranks of the city's business men. Now the property of the Firemen's Protective Association.

"It may be urged, however, that the difference in the price of gas in American and European cities might result from the increased cost of labor, or some other reason outside of the character of the management. That this is not true is shown by the fact that in those states of the Union where any of these public utilities are furnished by both private and public companies the same difference in rate prevails as those between American and European cities.

"Some years ago it was found upon investigation that there were eight private gas companies in Virginia and four municipal plants. All but two of the private companies charged from \$2 to \$3 per thousand feet, and the average of the eight companies was \$2.11. Three of the public works charged \$1.50 per thousand and one of them \$1.44, and the average cost to the people, operating expenses and all fixed charges, was \$1.17.

"In West Virginia there were five private companies and one municipal plant. One of the private companies charged \$1 per thousand feet, another \$1.60, and the other three \$2 and \$2.25. The public works in Wheeling charged seventy-five cents per thousand, and the total cost to the people was fifty cents, there being no debt and no interest to pay, operating cost, depreciation and taxes being the whole expense.

"Of the eighty-nine private companies in Pennsylvania, twenty-six charged \$2 per thousand, and over fifty-five charged \$1.50, and only eight made a rate as low as \$1. At the same time the public works in Philadelphia, Pennsylvania, charged \$1.50 per thousand, but sixty cents of it was clear profit in the treasury above the cost of operation and fixed charges, so that the people really got the gas for less than \$1.

"In Kentucky none of the private companies sold as low as the public works in Henderson, Kentucky.

"In Ohio there were two public plants, one at Hamilton, which supplied gas at a total of \$1 per thousand (thirty cents of it being interest), and the other at Bellefontaine (free of debt), which supplied gas at a total cost of sixty-three cents per thousand. Of the forty-three private companies only five made as low a rate as \$1.

“What is true of gas and water is also true of electric light.

“While private companies in Chicago are charging from \$105 to \$125 per annum per arc lamp, the following cities which have municipal plants are furnishing the same light for the same period at the following prices:

| | |
|------------------------------------|---------|
| Bangor, Maine ----- | \$46.00 |
| Lewiston, Maine ----- | 52.00 |
| Dunkirk, New York ----- | 53.50 |
| West Troy, New York ----- | 75.00 |
| Allegheny, Pennsylvania ----- | 57.00 |
| Easton, Pennsylvania ----- | 95.00 |
| Bay City, Michigan ----- | 52.00 |
| Detroit, Michigan ----- | 61.50 |
| South Park Plant, in Chicago ----- | 57.00 |
| Aurora, Illinois ----- | 50.00 |
| Topeka, Kansas ----- | 51.00 |
| Little Rock, Arkansas ----- | 49.50 |
| Wheeling, West Virginia ----- | 57.50 |
| Peabody, Massachusetts ----- | 61.50 |
| Braintree, Massachusetts ----- | 61.50 |
| Danvers, Massachusetts ----- | 56.50 |
| Jamestown, New York ----- | 49.00 |
| South Norwalk, Connecticut ----- | 47.50 |

“The City of Boston, Massachusetts, is furnished electric light by a private company which charges one cent per meter hour; the City of Braintree, Massachusetts, is furnished light by a public plant which charges one-half cent per meter hour; Brookline, Massachusetts, is charged one cent per meter hour by a private company; Swanton, Vermont, one-third cent per meter hour by a public plant. In New York City the charge by a private company is one cent per meter hour; Westfield, New York, has a public plant which charges one-half cent per meter hour. The City of Philadelphia, Pennsylvania, is charged three-fourths cent per meter hour by a private company, and Newark, Delaware, three-tenths cent per meter hour by a public company. In Detroit, Michigan, the private electric light plant charges \$1 per month for each lamp; in Wyandotte, Michigan, (near

Detroit) the charge by a public plant is sixteen and two-thirds cents per month for each lamp. In Kalamazoo, Michigan, citizens are charged 20 cents per kilowatt by a private company; Coldwater, Michigan, (near Kalamazoo), which has a public plant, charges five cents per kilowatt. In Chicago, Illinois, the charge is one cent per meter hour and in Peru, Illinois, the charge made by a public company is one-half cent per meter hour.

"The same is true of waterworks in the United States. In Indiana the charges made by private companies have been found to be double those charged by public companies. Only nine of the fifty large cities of the United States are supplied with water by private companies, and only two of these companies have made public their receipts and expenses. The two that have made reports admit that they have earned from thirty to forty per cent per annum on their capital stock.

"The following statistics with relation to the rates paid for water by Illinois cities will convince the most skeptical that the rates charged by private companies for water are much in excess of those charged by publicly owned and operated companies:

| Private water supply and ownership | Total revenue per family per year |
|------------------------------------|---|
| Lincoln, Illinois | \$18.00 |
| Mount Vernon, Illinois | 10.00 |
| Effingham, Illinois | 5.50 |
| Alton, Illinois | 4.33 $\frac{1}{3}$ |
| Sterling, Illinois | 8.70 |
| Kankakee, Illinois | 7.90 |
| Chillicothe, Illinois | 9.80 |
| Cairo, Illinois | 10.66 $\frac{2}{3}$ |
| Oak Park, Illinois | 20.00 |
| | <hr/> |
| | \$94.90 |
| | <hr/> |
| General average | \$10.54 |

| | | Total revenue per family per year |
|-----------------------------------|-------|---|
| Public water supply and ownership | | |
| Moline, Illinois | ----- | \$ 4.50 |
| Taylorville, Illinois | ----- | 4.50 |
| Savanna, Illinois | ----- | 2.00 |
| Lexington, Illinois | ----- | 3.00 |
| Elgin, Illinois | ----- | 3.00 |
| La Salle, Illinois | ----- | 4.50 |
| Evanston, Illinois | ----- | 6.40 |
| Rock Island, Illinois | ----- | 5.33 |
| Aurora, Illinois | ----- | 4.00 |
| | | <hr/> |
| | | \$37.20 |
| | | <hr/> |
| General average | | \$ 4.13 |

“What is true of gas plants, electric light plants, waterworks and telephone is also true of street railways:

“The street car fare paid in the United States, where private ownership prevails, we all know to be five cents a ride, whether it be short or long, which is more than double what is paid to municipal street car companies in Europe, as will be apparent from the following table:

| Town | Population | Fare | Average Fare |
|----------|------------|---------------|--------------|
| Milan | 440,000 | 1 and 2 cents | 1.8 cents |
| Berlin | 1,800,000 | ----- | 3.0 cents |
| Budapest | 500,000 | ----- | 2.7 cents |
| London | 4,000,000 | ----- | 2.5 cents |
| Belfast | 256,000 | ----- | 2.2 cents |
| Glasgow | 840,000 | ----- | 1.78 cents |

“The principal street car companies in Chicago are capitalized and bonded for one hundred and seventeen millions of dollars. The value of their tangible property is shown by Mr. Arnold’s recent report to be less than twenty-seven million dollars. Until recently they have been paying interest and dividends upon their total bonds and capitalization.

"In other words, they have been compelling the citizens of Chicago to pay them five per cent dividends upon ninety millions of dollars of stock which has no tangible property behind it, and which has not been invested in the railroads, but which is the value placed by these companies upon the charters given to them by the very people out of whom they are squeezing this extortionate income.

"A consideration of the foregoing figures must convince the most skeptical that private companies that are furnishing water, gas, electric light and street railway transportation, both in this country and in Europe, are charging exorbitant prices for these commodities, and much more than is charged for the same by publicly owned companies.

"This cannot be the result of mismanagement by private companies and efficient management by public companies, for it has always been claimed, and I think it will be conceded, even by advocates of public ownership, that the wages paid by publicly owned companies are always higher than those paid by private companies, and that the publicly owned companies are not managed with the same stringent economy that is characteristic of private ownership, where every attention is paid, even to the minutest detail, in order to decrease the cost of production. It must then result solely and exclusively from the fact that private companies, in their anxiety to swell the dividends of their stockholders, charge the public more than is reasonably necessary for the pecuniary success of these enterprises, and charge such rates as can safely be called extortion.

"The interest of the private companies is solely to make big dividends for their stockholders; the interest of the public companies is mainly to furnish the utilities to the public as cheaply and efficiently as possible, consistent with successful management of the enterprise. The spirit which actuates the former companies is that of private gain; the spirit which actuates the latter companies is the public good. The motive controlling the former companies is selfishness; the motives that actuates the public companies is altruistic.

"But it has been said by those who oppose municipal ownership and operation that the service rendered by the public cor-

porations is not as efficient or as satisfactory as the service rendered by the private corporations. This objection has been made most insistently by one of the papers of this city. This paper, not content with defensive arguments in support of private ownership, for reasons best known to its owners and proprietors, seems to have had a severe attack of hysteria whenever the subject of municipal ownership is mentioned or advocated. It denounces the advocates of municipal ownership, and particularly myself, as a Socialist and lunatic. Let us see whether these claims made by the enemies of municipal ownership, and this paper in particular, are true or false.

"The American consul at Liverpool, England, in his report, dated May 19, 1902, declares:

" 'Liverpool is one of the foremost cities in municipal socialism. It owns the waterworks (one of the best systems in the world) ; it operates the street cars ; it supplies the electric light and power ; it has one of the largest and best public bath systems anywhere, and proposes to erect the finest Turkish bath in Europe.'

"The London correspondent of the *New York Tribune* has been investigating the government and varied industries of Nottingham, and he sends the following report to his paper:

" 'Good local government is the chief glory of modern England and cannot be too highly extolled, and the great distinguishing features of English local government into enterprises which in this country are, for the most part, carefully kept in private hands, who overlook no opportunity to plunder, and dupe and befog citizens.

" 'Nottingham, a city of 240,000 people, owns its own markets, cemeteries, waterworks, gas and electric light service and street railways, and while giving the people very low rates it has been able to turn into the treasury within five years \$720,000 as net profit, after payment of interest on purchase debts, payments to sinking funds and liberal allowances for depreciation. This profit serves to reduce the tax rates materially. But while profit for tax reduction is secured, it is not the sole or the greater object of the city in conducting these enterprises. The collective interests of the community are mainly considered—the advantage

of the common people considered apart from their liability as taxpayers.

“Water, for example, is furnished to tenements of low rental at not exceeding 42 cents per quarter year, and still the works are made to yield a small profit to the public treasury. The charge for municipal gas ranges from 28 to 34 cents per 1,000 cubic feet, and electric light and power service is correspondingly low.’

“In speaking of the public utilities in Liverpool, the American consul says:

“‘Liverpool boasts of having one of the best railroad systems, not only in Great Britain, but in Europe. The corporation got control of the system in September, 1897, and has substituted electric for horse cars.’

“The same consul, in the same report, speaks of his observations with reference to the operation of public utilities by the public throughout the kingdom, and concludes his report by saying:

“‘Two observations are appropriate to be made in conclusion. Speaking generally, municipal government in Great Britain is honest, intelligent and energetic; and as a rule politics has but little to do with the engagement or retention of civic employees.’

“Who should know most about the ownership and operation of public utilities? The editor in Chicago, who expresses views pursuant to orders given him by men who live in Chicago, or the American consul who for years past has been on the ground and seen with his own eyes how these matters are managed?

“The main objection that I have heard urged to the scheme of municipal ownership is that it will build up a great political machine; that every man employed upon a municipal system would be a political striker, owing his position to a political boss or machine, and that the aim of such an employe would be to please his political sponsor rather than to give efficient service to the public.

“There would be considerable force in this objection if it were proposed to operate such enterprise independent of the civil service law of the city.

"But no advocate of municipal ownership is making any such suggestion. On the contrary, every advocate of municipal ownership and operation demands that a rigid civil service provision should be incorporated in every such ordinance. All employes of a street car system owned and operated by a city would fall within the provisions of the present civil service law.

"The friends of municipal ownership and control are the friends of civil service. They know that, without civil service, municipal ownership and control cannot be efficient or satisfactory. They know that where municipal operation has been put in force it has been accomplished by a civil service system. They know the Federal postoffice system has been successful under the civil service. They know that the Chicago water office system has been successful under the civil service, and they are informed in the words of Consul Boyle that 'Municipal government in Great Britain (where municipal operation and civil service prevail) is honest, intelligent and energetic; and as a rule politics has but little to do with the engagement or retention of civic employes.'

"As a matter of fact, the public has more to fear from political intrigue and bossism under private than under public management. Most of the great scandals that have disgraced the public life of American officials have been the result of bribery on the part of private companies.

"Who was responsible for the scandals connected with the notorious Allen and Humphrey bills? Who was responsible for the gas consolidation infamy? Who secured the corrupt legislation in the City Council of St. Louis, which has landed many of its aldermen in the penitentiary? Who secured for the Philadelphian council of aldermen in the past, and the Common Council of New York in the days of Jake Sharp, a reputation that is a stench in the nostrils of the people?

"In a word, private corporations or interests, seeking to obtain from the public new grants or extensions of old grants, have been the moving cause, and have furnished the corruption funds for nearly every scandal that has disgraced Congresses, State Legislatures and municipal councils in America from the days of the Credit Mobilier down to the days of St. Louis boodle.

"Within a few years back we have known aldermen and legislators in this city who have become unaccountably rich while in office, and while they have found it impossible to place their friends in the water office since the institution of civil service, they have found no difficulty in placing scores of them on the street cars and in the gas plants of the city.

"At the last session of the Legislature, the people succeeded, in spite of open opposition and secret intrigue, in spite of the plotting of boodlers and the scheming of traction interests, in having a bill passed under the terms of which, for the first time in the history of this state, cities and municipalities were empowered, under certain terms and conditions, to own and operate street cars. This bill is popularly known as the Mueller bill.

"The greatest danger to be apprehended to the people is not from the Mueller bill, but from the ordinances which may be framed under it, giving certain rights to private companies. If the people are watchful and vigilant, they can prevent the passage in the city council of any ordinance which will be detrimental to the public interests. The main object achieved by the passage of the Mueller bill was the granting to the city of the power to own and operate, or own or operate street cars. This it does clearly and unequivocally, and better still, it enables the city, once this bill is adopted by the people, to acquire street car systems by condemnation. In other words, it empowers the city which desires to own and operate public utilities, to condemn the property and franchises of existing companies and, under the eminent domain act, hail them into court and compel them to surrender their property at its fair cash value to the people.

"Today the living question put to the people is as to whether or not they will adopt the Mueller bill. By its very terms it cannot become operative unless adopted by the people of this city by popular vote. I have no hesitation, as a friend of municipal ownership, in advising the people of this city to vote and work for its immediate adoption, and I earnestly hope that every citizen who has the interest of the public at heart in this community, will do everything possible within his power within the next few weeks to bring about the adoption of the Mueller bill. This should be the first aim and ambition of the citizens of this

city. In my opinion unless this bill be adopted next April by the people of this city by a decisively affirmative popular vote, the traction corporation of this city within the next few months will have this city bound hand and foot for the next forty years by ordinances passed by the common council.

“Now, what has taken place since the passage of this law?

“First. An ordinance providing for the submission of the law to popular vote, as required by the Mueller bill, was allowed to sleep in a committee of the common council for months, and was only dragged out of the committee and put upon passage by persistent outside pressure and a storm of popular protest.

“Second. Instead of the council busying itself with preparing ordinances for submission to the people as to whether they desired to own and operate or own or operate their street railways under the provisions of the Mueller bill, the committee on transportation got very busy and worked incessantly after the passage of the Mueller bill, in preparing an ordinance to extend the franchise of the Chicago City Railway Company ostensibly for twenty years, but which in reality would effectively and summarily defeat the whole object and aim of the Mueller bill for from twenty to forty years. In so doing this committee brazenly and openly defied public opinion as expressed at the polls, recanting the position of the council itself when it recommended to the Legislature the passage of the municipal ownership bill, repudiated the demands made upon the Legislature by both political parties and all the candidates for the mayoralty, and did everything in its power to perpetuate the system of private ownership and defeat the system of public ownership demanded by the people at the polls. Whatever may have been the motives of the members of this committee honest or dishonest; whatever may have been their private characters, honorable or dishonorable, in drafting this ordinance, which would kill public ownership from twenty to forty years and nullify the Mueller bill, they proved recreant to the wishes and demands of their constituents, the people of the City of Chicago, and they have no right to complain if the people, discovering no excuse for their action in preparing this ordinance, or any ordinance which kills the

municipal ownership for from twenty to forty years, regard their conduct with suspicion and indignation.

"In the situation confronting the people of this community at the present time the following program should be adopted and pushed forward by every possible means:

"First. Above all, the Mueller bill should be adopted at the polls next April.

"Second. All negotiations with the traction companies which have for their avowed purpose the killing of municipal ownership for from twenty to forty years, should be immediately suspended.

"Third. Until the people are empowered by purchase, condemnation or otherwise, to acquire and operate their own street cars, the city council should pass a license ordinance, licensing street cars in the same way as they license drays, cabs, trucks and other vehicles; or, it should grant short extensions, preserving the present status between the city and the present companies, for a period not to exceed three months at a time, until the city is in a position to take over the street car systems by purchase or condemnation.

"Fourth. If the present companies refuse to place a reasonable price upon their properties for purchase by the city, the city should commence, immediately after the adoption of the Mueller bill, condemnation proceedings under it, to fix the value of the properties of these companies.

"Fifth. After the value of the same is fixed in a condemnation proceedings, the question should be submitted to the people as to whether or not they desire to acquire the property of these companies at the price fixed in the condemnation proceedings, and if they vote in the affirmative, then,

"Sixth. The city should advertise the sale of street car certificates, pursuant to the terms of the Mueller bill, for an amount sufficient to purchase these properties at the price fixed by the condemnation proceedings, and ten per cent in addition thereto, as provided in the Mueller bill, to cover operating expenses, bearing interest at five per cent, with a guarantee that a five-cent fare will be retained until all of said certificates, with interest thereon, shall be paid in full.

"All of these steps can be taken successfully, in my opinion, under the provisions of the Mueller bill, and I have not the least doubt that, if such certificates, bearing such interest, with the guarantee above mentioned, were offered to the investing public, large financial syndicates would purchase these certificates within ninety days after their issuance. Such certificates would give not only as good but better security than has been given by the traction companies to investors in the past. The tangible property of these companies in 1883 was worth less than twenty-seven million dollars, and, yet with no security but this tangible property worth twenty-seven million dollars and a franchise for twenty years given them by the City of Chicago, permitting them to charge nickel fares, the gentlemen who own and control these companies were able to capitalize the stocks and bonds of these companies at one hundred and seventeen million dollars. In other words, the value of the franchise for twenty years was worth the difference between \$27,000,000 and \$117,000,000—\$90,000,000.

"If they succeeded in capitalizing these franchises for that sum in 1883, when the city had not over 700,000 inhabitants, what would such a franchise be worth today in a city of 2,000,000 inhabitants? I have not the least possible doubt that they would be worth at least \$200,000,000. Yet this enormous capitalization of ninety million over and above the value of the tangible property of the companies was made solely and exclusively upon the tangible property and the franchises of twenty years. No surety company or individual guaranteed these stocks and bonds; they were secured alone upon the tangible property and the franchise for twenty years.

"Today the City of Chicago will be able to offer as security for the payment of its street car certificates not only the same security, to-wit, the tangible street car property acquired by it, but a franchise not for twenty years, but unlimited in time. In other words, in addition to the tangible property the city will pledge itself, without limit of time, to charge nickel fares until said street car certificates and the interest thereon are paid in full.

"Inside of ten years, if not less, in my judgment, all these street car certificates can be paid in full, and the people, then owning their own plant, can proceed to reduce fares to the lowest possible cost, as has been done in all the great cities of England and in a great many of the great cities of Germany, Austro-Hungary, Australia and Italy.

"If these successive steps are taken the money can and will be raised to purchase the street car systems of this city, and the present companies can be paid therefor, as above stated; then additional street car certificates can be issued to remodel and modernize the street car systems to meet the present demands of the public.

"Care should be taken, moreover, in the passage of any ordinance providing for the acquisition of street car lines and the operation of the same by the municipality, that all employes should come within the terms of the civil service law, and the provisions of the civil service law should be enforced in the most rigid and effective manner.

"If these steps be taken by the people I am confident that within a reasonably short time the City of Chicago will be able to own and operate the street car system with the same satisfaction to the public, both from the standpoint of economy and efficiency, as has been experienced by the great cities of England, where, after a test of at least ten years, it has found to have worked a wonderful reform.

"Efficient service will be rendered; economic charges will be made; corruption of the common council will cease; and the boodler and the bribe giver will vanish from the land.

"Corruption of public officials, the stealing of public property, favoritism in the selection of employes, strikes, inefficient service, exorbitant charges and insolence toward and defiance of the public has marked the history of private management of public utilities in Chicago, and elsewhere in America.

"The people have called a halt. The demand of the people to place a check upon public corruption by and with the referendum, at first feeble and unheeded, has swelled into a roar whose reverberations are heard in the council chambers of the land, as well as in the temples of finance.

"In my judgment the people are in no condition to be longer trifled with; no longer will they be despoiled and flouted as they have been in the past, and the legislator, councilman or alderman who remains deaf to the cry of the people and heedless to the popular demand for municipal ownership and the referendum, may as well prepare for sepulcher under a stone upon which will be written the epitaph: 'HE SERVED THE CORPORATIONS—NOT THE PEOPLE.'"

How widespread at that time was becoming the belief in municipal ownership of the Chicago citizenry and their desire to grant no more franchises to the traction companies is shown by the votes of the people at the aldermanic election held in Chicago April 5, 1904, when the following three propositions were submitted to the voters:

1. Shall the Act of the General Assembly of the State of Illinois, entitled, "An Act to authorize cities to acquire, construct, own, operate, and lease street railways, and to provide the means therefor approved May 18, 1903, in force July 1, 1903, commonly known as the Mueller Law, be adopted and in force in the City of Chicago?" The vote was as follows:

| | |
|---------------|----------------|
| FOR | 153,223 |
| AGAINST | 30,279 |
| Total | <u>183,502</u> |

2. Shall the City Council, upon the adoption of the Mueller Law, proceed without delay to acquire ownership of the street railways under the powers conferred by the Mueller Law?

The vote was as follows:

| | |
|---------------|----------------|
| FOR | 121,957 |
| AGAINST | 50,807 |
| Total | <u>172,764</u> |

3. Shall the City Council, instead of granting any franchises, proceed at once under the city's police powers and other existing laws to license the street-railway com-

panies until municipal ownership can be secured and compel them to give satisfactory service?

The vote was as follows:

| | |
|---------------|----------------|
| FOR | 120,863 |
| AGAINST | 48,200 |
| Total | <u>169,063</u> |

Notwithstanding, however, the significant vote of the people on April 5, 1904, against granting any street car franchises, nevertheless the Local Transportation Committee on the City Council proceeded to consider and on August 24, 1904, recommended to the City Council an ordinance extending the franchises of the street car companies. This was known as the tentative ordinance.

Mayor Harrison publicly stated he would veto the tentative ordinance if it was passed by the council without a provision for a referendum. The mayoralty election of 1905 was approaching. Mayor Harrison had announced he would not be a candidate for reelection. The traction situation was rapidly becoming very acute.

This was the status of traction affairs when on January 16, 1905, Judge Murray F. Tuley of the Circuit Court of Cook County, the Nestor of the bench and Chicago's First Citizen, with no solicitation on my part of any kind, *and without my knowledge*, issued his famous open letter to the people of Chicago urging my name as a candidate for mayor and presenting to the public in a concrete way the crisis, as he declared, which was then confronting Chicago.

"It is with great public reluctance," said Judge Tuley in his letter addressed to the people of Chicago, "that I presume again to address you unsolicited upon a subject outside of the functions of the office I hold. But I am a citizen of Chicago no less than a judicial officer, and I feel that I should be unfaithful to one of the highest and withal one of the inalienable obligations of citizenship were I to withhold, at a civic crisis, such as I am convinced is now impending, the word of caution that my love for our city moves me to offer.



MICHAEL CUDAHY SCIENCE HALL, LOYOLA UNIVERSITY, CHICAGO
(Courtesy of Loyola University.)

"The danger to which I allude is not visionary. Unless those people of Chicago (the great majority of our citizenship of all parties, as I believe) who are opposed to the further domination of our traction utilities by financial manipulators of street car franchises, and to the consequent tendency to the corruption of our city government—unless those people assert themselves immediately and emphatically with reference to the approaching municipal election, a great corporate combination, engineered from Wall Street by unscrupulous stockjobbers, will, in my judgment, at that election, completely revive and reestablish the almost obsolete financial and political power of traction corporations over the right and comfort of the inhabitants of Chicago.

"The issue of local government by corporations and for corporations will be on trial at this municipal election. If the corporationists win, their victory will be complete. Our rights over our own thoroughfares will then be shackled by cunning compromise contracts for at least another generation. And that the corporations will win at this election, if the present plans in local politics of which I am advised are not frustrated, seems to me almost certain.

"It is generally known that the Chicago traction interests are consolidating under the supervision of J. Pierpont Morgan, the great stockjobber of New York.

"It is generally known that certain local investment interests are insistent upon making a compromise settlement with the traction corporations, involving an extension of street franchises.

"It is generally known that this settlement is plausibly urged as desirable, upon the assumption that the traction corporations, if richly endowed with street franchises, will hereafter render good service.

"It is reasonably believed, on the other hand, that the bad service of the past twenty years of profitable franchises speak louder for the probabilities as to future service than any corporation promises possibly can. The people appear from their referendum votes to believe that although these corporations make fine promises and offer tempting contracts while seeking street franchises, they cannot be depended upon to perform their

contracts after franchises are granted and the day for stock-jobbing arrives. This belief is well founded. Notwithstanding their franchise contracts in the past, these traction corporations have rendered, and they persist in rendering, the worst of service.

"The courts hold that public service corporations are bound by the very nature of their being to render good service as an implied contract and that they can be forced by appropriate legal proceedings to render good service; but in the absence of efforts to compel the traction corporations of Chicago to perform this duty under their contracts, expressed and implied, the corporations are defiant. They seem to adopt this attitude for the purpose of forcing the people to compromise by extending franchises upon promises of good service in the future. Theirs is the unique position of urging their own breach of contract as a reason for renewing the contract.

"Another plausible and generally known ground for urging a compromise settlement between the city and the traction corporations is the obstacle to immediate municipal ownership of our traction highways which the so-called 'ninety-nine year act' interposes. The corporations assume to hold under that act a franchise monopoly of important Chicago streets having nearly half a century yet to run. It is generally believed, however, that this act was fraudulently enacted, that it has been oppressively used against the rights and conveniences of the people, and that it is only a minor obstacle to the resumption by the people of their public interests in and control over their own thoroughfares.

"It is also generally known, let me add, that an attempt was made last summer to rush through the city council a compromise settlement with the traction corporations for a franchise of thirteen years or more, and that this programme was thwarted by the referendum petition of 135,000 signers, under which the question of compromise-settlement versus no compromise-settlement is to be voted upon at the April election.

"But it is not so generally known that plans are on foot, to be consummated at the municipal election in April, for making a compromise-settlement with the traction corporations, no mat-

ter how the people vote on the settlement referendum nor which candidate is elected mayor; and yet I am convinced that such plans are being perfected and that they will succeed unless the people are in time advised of the danger.

"The plans appear to have for their vital element the nomination by the Republican and the Democratic parties alike of 'settlement' candidates for mayor. 'Settlement' means compromise settlement with the traction corporations on the basis of an extension of street franchises.

"Whether the candidates shall be specifically pledged for 'settlement' does not appear to be regarded as important. So long as neither is pledged against 'settlement' and both are known to favor 'settlement,' be it for honest reasons or otherwise, the object of these plans is sufficiently served.

"With such candidates the traction corporations and all other adversaries of municipal ownership would be confident of a continuance of corporation control, no matter which candidate might secure the mayoral office

"For, under cover of this mayoral contest, it is expected to select not only a 'settlement' mayor, but at least a majority of 'settlement' candidates for the city council.

"Having done that, the referendum vote on the question of 'settlement' or no 'settlement,' no matter how great it may prove to be in opposition to 'settlement,' is to be ignored as merely 'academic.'

"The projectors of these plans for turning over the streets of Chicago to stockjobbing corporations know full well that their object cannot be accomplished until after the April election, for Mayor Harrison has promised to veto any 'settlement' ordinance not approved by referendum vote. They are confident, and so am I, that he would perform this promise.

"But Mayor Harrison goes out of office in April and a new administration will then come in. It is, consequently, of the utmost importance to the traction corporations that the new mayor shall be a man who will approve a 'settlement' ordinance, regardless of the referendum.

"On the other hand, it is of the utmost importance to the people that he shall be a man who will obey the public mandate.

"Therefore, the whole matter turns upon the result of the April election. If a 'settlement' candidate for mayor be then elected the plans of the traction companies for securing control of our streets indefinitely will doubtless be carried out with no reference whatever to the popular will.

"That such plans are on foot I am sure no well-informed man or newspaper in Chicago will venture to deny. That these plans are defiant of public rights, repugnant to the essential principles of popular government and a gross outrage upon the property rights of our city in the interest of stock-jobbing corporations I firmly believe.

"How to meet this emergency is for the people of Chicago themselves to determine. I shall not presume to advise. But as a citizen advanced in years, who (as I think I may with modesty say), has always endeavored to foster high ideals of good government, I assert the right and assume the duty of suggesting a general policy.

"I feel all the more bound to do this because the question at issue is in no partisan sense a political question. If political in any sense at all, it is so only as any question of honesty in the administration of public affairs may at times become political. It is distinctively an economic question. No party interest of either the Republican or the Democratic party enters into it. Few issues could be so manifestly nonpartisan. For what my suggestions regarding the emergency may be worth, then, I shall frankly express them.

"Since the candidate for mayor most likely to be nominated by the Republican party is privately understood to favor 'settlement' and has but recently been reported to have so declared himself in public, the possibility of protecting the city against the dangers of a compromise settlement with the traction corporations through the local Republican organization is so slight that it may as well be discarded.

"As to an independent municipal ownership party, I do not see how one can be so organized at this time as to marshal the vote which under favorable party conditions would naturally be cast against a compromise traction 'settlement' involving fran-

chise extension. Party affiliations are too effective in many subtle ways to admit of the success of an independent party. I cannot, therefore, suggest that course; and I should regard it as useless or worse, except under peculiar circumstances which do not seem to me to exist at present. It might seriously endanger the public interests.

"To have Republican and Democratic candidates both favorable to 'settlement,' or even noncommittal, and a municipal ownership candidate representing only a hurriedly organized third party, would be an ideal situation for the traction companies, and is probably what they would desire.

"The only apparent recourse, then, is to secure the selection, by the local Democratic party, of a candidate for mayor whose mere nomination would squarely raise the 'settlement' issue, not only on the referendum, but also in the mayoral contest itself.

"This candidate should be thoroughly known by all to be unequivocally opposed to any compromise 'settlement' involving franchise extensions; to be in favor of municipal ownership; to be in favor of it as soon as it can be secured without any dilly-dally diplomacy with traction magnates. He should also be a man who would inspire confidence throughout the city in his determination and ability to carry out the municipal ownership policy for which he would stand.

"Personally I have no preference. So long as the candidate measures up to that standard on the traction question and possesses those elements of popularity and of general confidence in his integrity that are necessary to his acceptance by a majority of the people, I am indifferent to his personality. My suggestions are not inspired by personal considerations. I care nothing for the ambition of office seekers. But neither in my thought nor through my inquiries am I able to discover but one man who is recognized throughout Chicago at this juncture as answering completely to those requirements.

"There are many who measure up to the standard of purpose, integrity and ability, but only one, as the situation presents itself to me, who, in this emergency adds to those requirements all the qualifications necessary to success at the polls. Regard-

less, therefore, of misapprehension and misappropriation both as to him and myself, I shall name the man.

"I fully believe that he, if called by the people of Chicago to the mayor's chair, would throttle this Wall Street conspiracy to rob the people of their rights in the streets of our city as would a Jackson or a Roosevelt.

"In suggesting Judge Dunne, I fully appreciate the criticisms of a mayoral candidacy by a judge on the bench. I yield to no one in opposing office-seeking by judges. But I know that Judge Dunne is not seeking this office. I know that personally he does not want it. I know that he would rather remain undisturbed to the end of his term upon the bench.

"I am sure that he would not even accept a mayoral nomination at this time if it were not necessary to thwart the effort of the traction corporations to fasten their powers upon the city.

"Knowing all this, I have no hesitation in suggesting to the people of Chicago, opposed to the impending corporate domination, that in this emergency they themselves call Judge Dunne from the judicial bench to the mayoral chair. For, while I object to office-seeking by judges, I see no legitimate reason why a judge should not respond, if the people call him to another post of public duty. It would be carrying the idea of judicial isolation from common affairs and interests to the verge of a senseless fad to deny the people themselves the unquestioned right to call a judge from his judicial to an administrative office, if in their judgment a civic emergency should demand it.

"Whether the present traction emergency in Chicago does demand such action by the people I am not pretending nor attempting to decide. I speak only as one of them. But as one of them I wish to repeat my admonition with all possible emphasis.

"Unless you wish to see your streets turned over for another long term of years to stockjobbing traction magnates, who, if the future may be inferred from the past, will give you bad service while charging exorbitant five-cent fares, you must promptly declare your selves in unmistakable terms.

"And if my suggestion regarding Judge Dunne appeals to you, you must appeal to him. He is not seeking the office nor do I believe he will seek it.

"With confidence in the integrity of the popular purpose and with all proper apologies for these unsolicited suggestions, I am, very respectfully, your fellow citizen,

"MURRAY F. TULEY."

Judge Tuley's letter to the people of Chicago met with an almost instantaneous answer. The response of the Democrats especially was immediate and unique in party politics. Within one week after the publication of Judge Tuley's letter delegations from thirty-three out of the thirty-five wards of the city called at my chambers and urged me to become a candidate. I was not a candidate for mayor and would have preferred to remain upon the bench. But the call to higher public service of the people became so overwhelmingly shown day after day by the Democratic ward organizations, committees, and other influential citizens calling upon me, that in the end I regarded in the nature of a public duty to accept. But I at once made it known that I would not resign as judge and would accept no campaign contributions from public utility corporations.

"If I am tendered," I stated to the public, "the Democratic nomination for mayor of Chicago—a nomination for which I have not raised, and will not raise, a finger—and if I accept that nomination, I shall accept no money or assistance of any kind from any street railway company, electric light company, telephone company, tunnel company, subway company, or gas company, or any other corporation that occupies, with the consent of the city, any space in Chicago on, under or above the public streets.

"It may be that the campaign will have to be conducted from the street corners, but it had better be so than with money contributed by the corporations. There must be no misunderstanding on this score. I am not now in a position to say how my campaign can be financed, always assuming that I should be the Democratic nominee, but I am in a position to direct how it shall not be financed."

Judge Prentiss and others were receptive candidates at the time for the Democratic nomination for mayor but I was the unanimous choice of the Democratic City Convention which

assembled at the old North Side Turner Hall and nominated me for mayor by acclamation.

In addressing the convention after I had been nominated for mayor, I stated, among other things, that I accepted the nomination "chiefly because I think it lies in the power of the City of Chicago to blaze the way among American cities for putting into actual operation the principal of municipal ownership and operation of the street cars of Chicago."

The Democratic platform adopted by the convention and which I was largely instrumental in framing, advocated the taking of immediate steps to establish municipal ownership and operation of the street car lines of Chicago.

Meanwhile the Republican City Convention nominated John Maynard Harlan as its standard bearer for mayor, a gentleman of most engaging personality, an able lawyer, a leader in civic affairs and a most excellent platform speaker. He had theretofore been an unsuccessful candidate for mayor upon an independent ticket and in that campaign he had run far ahead of the regular Republican candidate. A son of Justice John Marshall Harlan of the Supreme Court of the United States, John Maynard Harlan, had been for years a valuable, high-minded and industrious member of the Chicago City Council.

When Mr. Harlan was nominated for mayor the Republican City Convention adopted a platform in which the Republican party also advocated municipal ownership and operation of the traction lines "when the city shall be legally and financially able successfully to adopt it."

I had intended to take no active part in the campaign but to pursue the even tenor of my way on the bench. However, as the campaign proceeded I became interrupted so many times by newspaper reporters, campaign managers and others and so many political problems were presented to me for solution that I was finally compelled to employ a judge from the outside of Chicago to take my place upon the bench for a few weeks before the mayoralty election.

After the two great parties had nominated their respective candidates for mayor and adopted their platforms, I determined

to crystallize clearly in the minds of the voters the pivotal political issue between Mr. Harlan and myself.

Accordingly, March 15, 1905, I issued a statement to the public in which I explained as clearly as I could where Mr. Harlan stood and where I stood in regard to the then existing traction situation confronting the voters. I said in that statement that the coming election would probably be the most important municipal election held in the United States for at least half a century, important not only in its effect upon the people of Chicago but in its effect upon every municipality in the United States.

"Upon its result," I continued in that statement to the voters of Chicago, "depends the question as to whether or not American cities are to take the course pursued by European and Australian cities in owning and operating their own street car systems, or whether the cities of America shall adhere to the mistaken course hitherto followed in farming out the management of their utilities to private capitalists. The eyes of the whole American voting world as well as the eyes of the American financial world are now centered upon Chicago.

"By reason of the fact that most of the important franchises which have hitherto been granted to private corporations, giving them the right to own and operate street cars upon its streets have expired, Chicago is placed in the unique position of being called upon, before any other great American city, to decide this question (of public or private ownership).

"The gravity and importance of the situation cannot be overestimated. Within the last few weeks the great firm of J. Pierpont Morgan & Co. of New York has, through three authorized agents—Marshall Field, P. A. Valentine and John J. Mitchell of this city—invested the enormous sum of \$25,000,000 for the purchase of two-thirds of the stock of the Chicago City Railway Company. All of the tangible property of that company at a liberal estimate is not worth over \$12,000,000. Yet that great financial firm has within the last thirty days paid out, it is reported in the papers, \$25,000,000 in hard cash for two-thirds of the stock of the Chicago City Railway Company. For this immense amount of money they have received \$8,000,000 worth

of tangible property and the mere prospect of obtaining from the citizens of Chicago an extension on their present franchises. This enormous investment must have been made with the expectation of procuring from the citizens of Chicago an extension of the present franchise rights of that company. That expectation must be based upon the conduct to be pursued by the next mayor of Chicago and the next city council. J. Pierpont Morgan & Co. must, therefore, have made this investment in the belief that either one of the great parties of this city will succeed in placing in the mayor's chair a man who will favor, and, in the aldermanic chairs, men who will vote for an extension of the present expired franchises

"The people of Chicago must turn to the candidates of the two great parties to discover which one of them is likely to gratify the expectation of J. Pierpont Morgan & Co. by extending the franchises of the street railway companies.

"It is exceedingly improbable that either the Prohibition or the Socialist party will poll sufficient votes to elect their candidates. The City of Chicago must, therefore, scan with care and caution the platforms of the Republican and the Democratic party and the antecedents and character of the candidates nominated by these parties to run upon these platforms.

"J. Pierpont Morgan & Co.'s expectation of an extension of franchises must be based upon the Republican platform and the Republican candidate or upon the Democratic platform and the Democratic candidate. Let us carefully consider then first the platforms of the respective parties with relation to the traction issue.

"The Republican platform declares for municipal ownership and operation 'when the city shall be legally and financially able successfully to adopt it.' The use of these three adverbs in the Republican platform leaves the question of time as to when the city shall attempt to own and operate in a delightful state of uncertainty. Does it mean today, does it mean ten years hence, does it mean twenty years hence or a century hence? None can tell. It is left absolutely to the judgment of the officials who may be elected upon that platform to hereafter answer when that time shall come.

"The Republican platform further declares that no extension of franchises 'should' be given that does not meet the approval of the citizens of Chicago. This is simply the declaration of a truism. It deliberately refrains from declaring that no franchise 'shall' or must be given.

"The Democratic platform, on the other hand, declares emphatically: 'We demand that Chicago follow the example of the enlightened municipalities of both the old world and the new by taking immediate steps to establish municipal ownership and operation of the traction service of the city. That the city council, by resolution, terminate all negotiations with the street car companies for the extension of existing or the granting of new franchises. In place of such negotiations that the city government proceed at once to negotiate with the street railroad companies for the purchase of their tangible property and their unexpired lawful franchises for a fair, liberal and full price.'

"The Democratic platform in contrast with the Republican platform is clear, definite and distinct. Following out the mandates of that platform, no extension of franchises of any character could be given by the city officials elected upon the Democratic ticket to either the Chicago City Railway Company or to any other corporation.

"This is the clear and plain distinction between the two platforms. Under the Republican platform an extension can be given and, if the Republican candidate is elected, I predict an extension will be given. Under the Democratic platform no such extension can be given and I promise, if elected, as I will be, that no such extension will be given.

"Such being the platforms, let us now examine the records of the candidates. Both of us have been before the public for over twelve years, he in private and I in public station. During this campaign I shall indulge in no personalities and I shall endeavor to treat my opponent with the fairness and justness to which his prominent position before the public for several years past entitles him. I shall only discuss his attitude on public questions, as contained in his own language, upon different occasions and, if I shall find that his attitude and position, as declared from his own lips, places him in inconsistent posi-

tions, it is for the public to determine whether or not he is inconsistent and whether or not he is sincere or vacillating in his course.

"On December 12, 1898, the Republican candidate, as he is quoted in the *Record*, one of the papers that is now supporting him most energetically, said: 'The mayor has committed himself before this audience to the principles of municipal ownership twenty years hence. Gentlemen, if the people of Chicago want it now—if the people want it—then I say it is their property and now is the accepted time. I want to say now that, if the Allen law is repealed and the present mayor of Chicago, by whose side I am now fighting and am glad to fight, announces the proposition that he favors a twenty-year, or any other franchise, at this time, at any per cent of compensation whatever, I shall be as ready to fight with him on that proposition.'

"This was my opponent's attitude over six years ago. At that time the Mueller bill had not been passed and the City of Chicago was not legally able to own or operate street cars. He was a lawyer at the time and is so now and he must have known, when he made that statement, that the law did not empower the City of Chicago to own and operate street cars.

"The Mueller bill has been passed since then and the City of Chicago, under its provisions, is now legally authorized to own and operate street cars, the operation dependent, however, upon a referendum of its citizens. The Republican candidate, since the adoption of his platform nearly a month ago, has never once declared for immediate municipal ownership in any of his numerous speeches, although the city is now authorized by law to own and operate its street railway system. He has not once used the word 'Now,' the insistent word that he used in December, 1898. Why this omission? Has he not changed his views most materially? Is it not remarkable that a man who declared for immediate municipal ownership, when the law did not empower the city to own or operate, should now, when the law does authorize the city to own and operate, fail to make a similar demand. I charge that my opponent, therefore, because of his extraordinary failure to make a demand for immediate municipal ownership in his numerous speeches during the last few

weeks has abandoned the views that he held in 1898. That I am not in error in placing this interpretation upon his conduct and his platform is further shown by the views expressed upon his platform and his own conduct by his supporters, the newspapers, which are championing his cause in this city.

"The *Chicago Post*, a paper which is most vigorously advocating my opponent's election, on February 14, 1905, contained the following: 'What is needed is a majority of honest, capable aldermen who will grant a reasonable franchise for twenty years. We can make the best terms with capital by granting the longest term possible—namely, twenty years. Every year we clip from that term we clip something of greater value from either the compensation to the city or the quality of the service to the citizen.'

"On March 2, 1905, the *Chronicle*, which is also supporting the candidacy of the Republican candidate, editorially declared: 'In spite of a good deal of talk about what the people of Chicago may do at some time in the remote future, the issue as joined between Mr. Harlan and Judge Dunne amounts to the assertion by the former that municipal ownership of street railways is impossible and to the declaration by the latter that it is not only possible but desirable and that steps to that end should be taken at once.

"'Mr. Harlan pronounces immediate municipal ownership an impossibility and shows that, even if it were desirable, to adopt that policy the city is not now and will not be for years to come in a position to do so. . . . His assertion that such a thing is now an impossibility is literally true and it practically puts him in opposition to the lunatic proposition which Democrats and Socialists have brought forward. . . . Mr. Harlan's lucid and convincing argument, showing the impossibility of immediate municipal ownership not only sweeps away a humbug . . .'

"This is the position taken by the *Chronicle* interpreting my opponent's position, and I would have it remembered that this is the interpretation placed upon his conduct by one of his friends.

"On March 26, 1905, the *Chronicle* further states: 'Mr. Harlan's program, on the other hand, is one of reason and soberness. He expects and means to compel immediate and active

negotiations for an equitable franchise ordinance with the traction companies. . . . "I will say for myself," he says, "that before long, after the election is over, there will be submitted to you a concrete plan for the settlement of this question." . . . No solution will be accepted, which does not make effective and genuine provision for municipal ownership and operation when the city shall be legally and financially and successfully able to adopt it. If, as many think, that time will never come then the time will never come when Mr. Harlan will advocate municipal ownership.'

"Here we have a clear, succinct statement of my opponent's position, as interpreted by a newspaper owned and controlled by a man with whom the Republican candidate, I am informed, has been in recent conference quite frequently. If my opponent's friends and advocates so construe his position, what further need is there for me to inquire as to what course he will pursue if he should be elected mayor.

"I charge, therefore, upon the authority of the Republican platform, upon the authority of statements made and failed to be made by the Republican candidate, and upon the interpretation placed upon his conduct by his own supporters, that, if elected mayor of the City of Chicago, he will be in favor of an extension of the franchises of the present companies. In further support of this charge I would call the attention of the people of this city to the fact, that, when the so-called tentative ordinance, formulated by the committee on transportation of the city council was brought up for passage last summer, the *Daily News*, *Record-Herald*, *Tribune*, *Post* and *Chronicle*, all of which are now ardent supporters of my opponent, were then advocating in a most strenuous manner its passage.

"This ordinance was so unfair and so unjust to the people of this city that, at the call of two men in this community and two newspapers, much abused by the Republican candidate, 134,000 voters of this community rose in open revolt against its passage and attained their object by a monster referendum petition.

"In contrast with my opponent's position, I have but to say that for years, in season and out of season, I have been advocat-

ing the cause of municipal ownership; that I have always maintained that the City of Chicago, since the passage of the Mueller bill, was in a position legally and financially to own and operate its street car systems successfully; that last summer without conference with Judge Tuley or any other citizen, I openly opposed in a public speech the passage of this unfair and iniquitous tentative ordinance and did everything in my power to prevent its passage, and it was largely due to the efforts of Judge Tuley and myself and the Hearst newspapers that we succeeded in stopping its passage. And yet my opponent with pretended gravity charges me with being opposed to a referendum.

"I was largely instrumental in drawing the Democratic platform and succeeded in placing in that platform the following plank:

" 'We believe in the principle of the referendum upon all important questions and demand the proper legislation to make it binding upon all public servants, thus carrying out the will of the voters of this city twice expressed at the polls.'

"My opponent ignores the existence of this plank in the platform and charges upon me and the Democratic platform that we are trying to evade a referendum.

"Again he declares that I am committed to a policy of paying \$80,000,000 to the present companies for their property, which he terms 'junk.' The Republican candidate had before him my speech of acceptance when he made this charge, and he knew at the time that what I said was as follows: 'If private companies, having only the security offered by the tangible property and by the twenty-year franchises, can raise \$117,000,000 upon \$27,000,000 worth of actual tangible property, what is to prevent the City of Chicago now, on much better security, as above indicated, raising the same amount of money?'

" 'It will not be necessary to raise any such amount. The City of Chicago can today, unless I am most egregiously mistaken, not only pay the present companies full value for all the property and franchises they now own to the last cent, but can reequip and modernize the present broken-down plants for less than \$80,000,000.' My opponent knew that, in making this

statement, I covered not only the tangible and intangible property of the present roads, but also the cost of reequipment and modernization. He must have known that the present companies, in argument before the people of this community for an extension of their franchises, have claimed that it would be necessary to expend \$50,000,000 in reequipment and modernization of these roads. He must have known that Bion Arnold reported to the city council that their tangible property was worth in the neighborhood of \$27,000,000, and he must have known that they have some unexpired franchises which, if purchased or taken from them by condemnation, must be paid for. If you will add \$27,000,000 to \$50,000,000, which it has been claimed is necessary for the modernization of the plants, the result is \$77,000,000, leaving a margin of but \$3,000,000 to pay for the intangible property, to wit, the unexpired franchises.

“In the discussion had before the local transportation committee of the city council, it was contended on behalf of the Chicago City Railway Company that it would take \$15,000,000 to rehabilitate and modernize that plant alone. The north and west side companies carry more than twice the number of passengers carried by the Chicago City Railway Company, and, if it would take \$15,000,000 to reequip and modernize the south side system, it would take at least \$30,000,000 to rehabilitate and modernize the north and west side systems. If it takes \$45,000,000 to modernize and we add the \$45,000,000 to the \$27,000,000, the value of the tangible property, it will make \$72,000,000—leaving a margin of only \$8,000,000 as the value of the intangible property, to wit—the unexpired franchises. I have not had the benefit of advice from expert railway engineers in arriving at these figures. It may cost less and it may cost more to rehabilitate and modernize these plants. In all probability it will cost much less than the amount claimed by these companies. I used the statement ‘less than \$80,000,000’ in order to fix what I believed at the time, without the benefit of expert testimony, would be an outside figure. And yet, in view of this statement of mine, culled from my speech to the Democratic convention, the Republican candidate says that I am ready, on behalf of the City of Chicago, to pay \$80,000,000 to those roads

for their wornout and antiquated tangible property. I leave the justness of his criticism to the determination of my fair-minded fellow citizens.

"Now, fellow citizens, when J. Pierpont Morgan & Co. expended \$25,000,000 for the purchase of \$8,000,000 worth of tangible property they did not rely upon obtaining any extension of franchises from the City of Chicago either from the Democratic administration or myself. They must have relied upon the platform and personality of some other party and some other candidate.

"To test this issue as between the Democratic and Republican parties and between myself and my distinguished opponent, I now ask him to declare, as the representative of the Republican party, whether or not he is in favor of the so-called tentative ordinance as adopted by the local transportation committee of the city council and recommended to the people by the four Republican members of that committee, Aldermen Bennett, Foreman, Raymer and Hunter, three of whom are now seeking reelection upon the same ticket with himself. Let him squarely answer the people of this city whether or not, if elected, he will be in favor of the so-called tentative ordinance or any ordinance of like character.

"One word more and I have done. It has been claimed that municipal ownership would increase taxes, should the city take over the street car lines, acquiring a full ownership of them by the issuance of street car certificates. It would not cost the general taxpayers of Chicago one cent. It would in no wise increase the tax burdens of the people of Chicago. More than \$5,000,000 have been diverted from the earnings of the municipal water department to pay for sewers. In this way the general taxes of the people have been reduced \$5,000,000 by reason of the fact that the city has municipal ownership of its water-works.

"The cost of the street car lines acquired under municipal ownership would be met by the issuance of street railway certificates, which would be a burden upon the street car lines and upon nothing else whatever. It never could in any possible way operate to increase the taxes of the people."

The issue was thereby simplified and the campaign for the mayoralty waxed fast and furious. Noonday and nightly meetings were held throughout the city. James Hamilton Lewis, afterward corporation counsel of Chicago and United States senator from Illinois, first attained widespread public prominence in that campaign. He was one of the principal speakers in behalf of my candidacy, as were also Clarence Darrow, Louis F. Post, Quin O'Brien, David Rosenheim, Francis O'Shaughnessy, John E. Traeger and many others.

Many Republicans and citizens who were independents in politics supported my candidacy. Among the more prominent was Joseph Medill Patterson. He was then about twenty-six years of age. His father at that time was editor-in-chief of the *Chicago Tribune* which was energetically supporting the candidacy of my opponent, Mr. Harlan. But Joseph Medill Patterson resigned his position as his father's assistant and did valiant service for our cause speaking nightly at mass meetings throughout the city.

Finally election day arrived. I received the returns in my headquarters at the old Palmer House. At the start I took the lead. This lead I maintained when the final returns were all in. I had been elected mayor of the second largest city in the country by a plurality of approximately 25,000 votes on the Democratic ticket notwithstanding the fact that just five months before at the head of the Republican ticket President Roosevelt had carried Chicago by a plurality of 110,000 votes.

At the same mayoralty election these three questions were submitted to the people.

First: Shall the city council pass the ordinance reported by the local transportation committee of the city council on the 24th day of August, 1904, (which was the so-called tentative ordinance) granting a franchise to the Chicago City Railway Company?

The vote on this proposition was 64,391 in favor of and 150,785 against the passage of the so-called tentative ordinance.

Second: Shall the city council pass any ordinance granting a franchise to the Chicago City Railway Company?

The vote on this proposition was 60,020 in favor of and 151,974 against granting any franchise to the said company.

Third: Shall the city council pass any ordinance granting a franchise to any street railroad company?

The vote on this proposition was 59,013 in favor of and 152,135 against granting any franchise to any street railroad company.

The significant fact about this referendum was that in every single ward of the city there was an overwhelming majority against the three propositions.

My election as mayor and the unmistakable expression of the sentiment of the people in favor of municipal ownership and in opposition to granting any renewal ordinances to the traction companies marked the commencement of the real contest of the people of Chicago for the municipalization of their street car systems.

Under private management almost everyone agreed that there had existed in Chicago probably the worst managed and most scandalously conducted street car system in the world. There had been no pretense of giving decent accommodations to the public. People were crowded into street cars like herrings in a box. The schedules were irregular and the service at night either scandalously insufficient or non-existent. The operators of the street car companies in defiance of public sentiment and of every rule of decency and justice had been managing these systems so as to mulct the public of their nickels without any attempt to give a decent return therefor. The citizens of Chicago who had received this sort of treatment had protested and protested in vain. At last they declared by a most emphatic vote that they would have no more of it and that the municipality itself must take over the street car systems.

Under these circumstances in view of the express vote of the people as shown above I said in my inaugural address as mayor that I would use all the industry and ability with which my Maker had endowed me to carry out the platform for municipal ownership on which I had been elected, and I meant it.

When I became a candidate for mayor I appreciated to the utmost that I would encounter tremendous difficulties. Imme-

diately upon taking office I met the first obstacle. I was embarrassed with the most extensive, exasperating and widely prevailing strike of the teamsters that had occurred in Chicago for a great number of years. It commenced a few days before I took office and continued for over three months. I believe it was brought about by a conspiracy between the foes of municipal ownership and Con Shea, a disreputable labor leader.

During that strike I was repeatedly importuned to request the governor to call out the militia to preserve order but I saw nothing in the situation to warrant such a course and I therefore declined to ask the governor to interfere.

Notwithstanding that most of my time during the day was occupied with this unfortunate strike, as well as other official business of the city, yet I was able on July 5, 1905, within three months after my election as mayor, to submit to the city council a message in which I outlined to the council two plans for securing municipal ownership.

One of these plans, as I recited to the city council called the "city plan" contemplated direct steps for acquiring municipal ownership. The second plan known as the "contract plan" proposed the organization of temporary holding company to construct and operate street railways. This holding company was to operate without profit except for a moderate brokerage fee to be fixed by the ordinance. I stated to the council that because it avoided delay I preferred the contract plan.

"The people of Chicago," I continued in that message to the city council, "having plainly manifested their desire for municipal ownership of street railroads with the least possible delay, I have diligently sought since my inauguration as mayor for the best information and the best advice regarding the subject and have carefully considered all suggested plans. I now submit to you the results of this preliminary work. Asking your cooperation in further executing the duty with which we have been jointly charged by the people in this connection I cordially offer you all the additional assistance it is in my power to give.

"As I am advised, there are about 700 miles of street railroad track now in operation in our city. The operative rights

of private companies with reference to a considerable proportion of this trackage have incontestably expired. Their expiration as to the Adams Street line has been actually adjudicated by the Circuit Court of the United States; and in harmony with the reasoning of that adjudication more than 100 miles of homogeneous trackage, most of which runs through densely populated portions of the city, is already free from corporation control, and 240 miles in all of like character will be free within the next two years. At varying intervals there will be further additions to this system, and within six or seven years a great majority of all the 700 miles of trackage now in operation, will be incontestably subject to municipal ownership.

"But that is not all. My legal advisers are confident, and this confidence is shared by me, that a rule more favorable to the city than that adopted by the Circuit Court will be established by the court of last resort. In this event, the 240 miles of trackage incontestably at the free disposal of the city now and within the next two years, will be greatly increased within that time. Confident of this increase, as we are, we must expect strong and persistent opposition, and be ready to cope with much dilatory litigation and other vexatious obstructions. The financial interests at stake are so vast and aggressive that public interests are in jeopardy and, at this critical juncture, the rights of the city may depend upon the fidelity of your honorable body. To the patriotic devotion of every member in this behalf I am sure the citizens of Chicago may look with confidence.

"While in litigation, we vigorously oppose the rights of the city to the claims of corporations that have been and continue to be persistently indifferent to their franchise obligations, we have official duties that cannot be ignored regarding the trackage over which corporation rights have incontestably expired. This trackage being already available for municipal ownership, our duty is plain to bring it speedily within the scope of that policy.

"We are occasionally referred in this connection to the so-called 'tentative ordinance.' But that ordinance cannot be further considered without flagrantly disregarding public opinion lawfully expressed. Alike by advisory referendum and the man-

date of a decisive municipal election, the people have distinctly and emphatically condemned it both as to form and principle.

"Turning, then, to their demand for municipal ownership, I submit for your consideration two plans to secure this result. One of these plans attached hereto and marked 'A' may be briefly identified as 'the city plan'; the other, also attached and marked 'B,' may be distinguished as 'the contract plan.' These are the only plans of which I am advised, that commend themselves to my judgment; and of the two, I prefer the second. The reason for this preference is its manifest superiority as a means of accomplishing the object in view, namely, the earliest possible installation of good service and the establishment of municipal ownership of the entire street car system of Chicago.

"In view of the extreme need for immediate improvement in our street railway lines, reduced to the lowest level of bad service by the system of private ownership and operation which has prevailed, every element of delay in rehabilitation is to be avoided as far as possible, with due regard for the street railway policy that the people demand and for which the Mueller law provides. Under the 'city plan' there are many elements of delay which may possibly be magnified by factions' oppositions. But under the 'contract plan,' which is equally consistent with the Mueller law and the policy of municipal ownership and operation, all elements of delay are eliminated.

"Financially as well as legally, this plan would be immediately practicable. It would consequently enable us to proceed at once with reconstruction, under circumstances assuring as good service and at as early a day as the best conceivable system for private profit could provide. Yet the rights of the city to take over, and even to operate, would be neither impaired nor postponed. As soon as a market for the Mueller certificates had been secured, the city could acquire the system in its own right and its own name; as soon as the people had, by referendum under the Mueller law, so decided, the city could proceed to operate by its own employes.

"Most of the advantages of municipal ownership and operation would thus be immediately secured. There would, therefore, be no delay in realizing that policy in substance even while

such judicial, financial, legislative and referendum proceedings were being taken as might be necessary to perfect it in form, or to guard it by business adjustments against encroachments of the spoils system.

"The 'contract plan' provides in effect for what the Mueller law contemplates and the people have demanded,—immediate municipal ownership of the street car service. It provides for this system of street car service under the management of a board of directors in its preliminary steps, and without the intervention of such board as soon as the city raises the necessary capital and complies with the statutory requirements.

"In furtherance of this superior plan, I present herewith for your consideration and action, a draft ordinance, attached hereto and marked 'C,' and recommend the appropriate proceedings by your honorable body for referring it to your committee on local transportation. I further recommend public hearings before your committee for the purpose of considering objections to the proposed ordinance and the fullest explanation and exposition of its purpose and provisions, and the consideration of such amendments not in conflict with its essential features as may be deemed proper and necessary for the interests of the city of Chicago. I also recommend that pending final action upon this ordinance, the council provide for securing the submission to the voters of Chicago, at the next general election, under the advisory referendum statute of the 'contract plan' for the execution of which the proposed ordinance has been drafted."

My message, the plans submitted and the ordinance covering the scheme for municipalization of the street car systems was referred by the city council to its committee on local transportation.

But I was not long in finding out that the committee on local transportation was hopelessly hostile to the principle of municipal ownership. After a desultory, indifferent and unintelligent discussion of the message which I had submitted, the committee decided by a vote of 8 to 5 on September 11, 1905, to defer its consideration, and instead to invite proposals for an extension of their franchises from the traction companies. The majority of the committee never afterward permitted proper considera-

tion of the "contract plan," which I submitted, but proceeded to the formulation of a franchise extension ordinance for the street car companies contrary to the demands of the people and in harmony with the wishes of the traction companies.

On September 28, 1905, I felt impelled to make a public statement that I would veto the proposed franchise extension ordinance if the city council passed it.

"I believe I have my thumb on the public pulse," I said in that statement. "The council will feel the beat of that pulse before it gets through. The meetings at which I have spoken during the past week have satisfied me that the people are with me. Some of the demonstrations were extraordinary, especially the meetings held last night. I meant what I said at those meetings. I repeat that if I am wrong, let the people turn me out. If the council is wrong, turn it out. I have been informed that the council will attempt to pass the tentative ordinance. I shall veto it of course. If I failed to do so, I ought to be driven out of town, after the stand I have taken on municipal ownership."

On October 9, 1905, I addressed another message to the city council calling attention to the vote cast by the people in the preceding April election overwhelmingly in favor of municipal ownership and pointing out that the local transportation committee instead of considering the plans submitted by me in my message for the purpose of bringing about municipal ownership of street railways was then engaged in considering ordinances which contemplated granting to the street car companies new franchises for twenty years "in defiance of the expressed will of the people." I recommended that the city council "direct the local transportation committee to cease consideration of the proposed franchise extension ordinance," and to report for its action "the contract plan" described above. My recommendation was defeated in the council by a vote of 45 to 18.

Again on October 16, 1905, I addressed a further message to the city council in which I recommended that the local transportation committee be directed in accordance with the will of the people expressed by a referendum majority of 21½ to 1 "to cease forthwith all negotiations with the existing private companies except as to the purchase of their properties by the City

of Chicago." This recommendation met a like fate and was defeated in the council by a vote of 37 to 27.

Again on October 23, 1905, I addressed another message to the city council, recommending the adoption by the council of an order instructing the local transportation committee in co-operation with the legal advisers of the city "to proceed without delay to prepare an ordinance for the purpose of acquiring ownership of the street railways of Chicago under powers conferred by the Mueller law," and to allow the preparation of that ordinance to take precedence over all other matters then before the committee. This order met the same fate as the others and was defeated in the council by a vote of 45 to 21.

Finally on November 13 I addressed an additional message to the city council in which I said:

And inasmuch as further delay can but operate favorably to the interests of those (the traction) companies and unfavorably to the interests of the people of the city, and as the counsel for the city have now completed their proposed ordinance for proceeding under the Mueller law for the establishment of municipal ownership, I am of the opinion that such proceedings on our part ought to begin at once. The advisory votes under the public policy statute having clearly instructed every member of your honorable body, regardless of party politics and every other consideration, to proceed without delay to acquire municipal ownership under the Mueller law, I respectfully submit to your good judgment that it has now become the duty of your honorable body to provide for the necessary mandatory referendum under the Mueller law. Similar instruction having been given to me as mayor, both by advisory referendum and the circumstances of my election, I have no doubt of my own duty to do all in my power to accomplish that result. I, therefore, advise your honorable body to proceed without further delay to establish municipal ownership of the traction service under and pursuant to the Mueller law.

This message and the ordinance accompanying it were also referred to the committee on local transportation. The hostility of the city council and its committee on local transportation was

unyielding throughout and against the expressed wishes of the people of Chicago as shown by the polls.

At this time untrue statements were being broadcast in the press of Chicago and throughout the country that I intended to resign as mayor, and to give up the fight for municipal ownership. Nothing could have been further from the truth. Answering these calumnies on November 10, 1905, in response to an inquiry, I wrote the following letter to the *Boston Magazine*:

In answer to your letter of November 8, 1905, I would say that I am not at all surprised that the Associated Press is sending to eastern newspapers many dispatches, declaring that I have practically given up the idea of the municipalization of the street railways of Chicago and that I contemplate resigning my position very shortly.

Ever since I have taken office my position has been misrepresented by both the Associated Press and the newspapers of this city. It is wholly untrue that I have abandoned the idea of municipalizing the street railways of Chicago, and the statement that I am about to resign is maliciously false. Neither assertion is warranted by anything that I have ever said or done.

On the contrary, I am confident that the will of the people, as expressed at the polls, will be carried into effect sooner or later in this city.

I have been hampered by a hostile council and a hostile press. When I was first inducted into office, I had to face one of the most widespread and exasperating strikes that has ever existed in this city. It lasted 105 days and was in force two days before I was inaugurated.

During the strike I appointed special traction counsel to inquire into the legal aspects of the traction question, and discovered, within sixty days after I took my seat, that 130 miles of trackage out of a total of 700 are being operated after the expiration of the franchise thereon.

On July 5 I sent a message to the council calling their attention to that fact, and to the further fact that before November 1, 1908, 274 miles of the total trackage of the city would be lying upon the streets upon which the franchises would expire by that date.

In the same message I called the attention of the council to the fact that municipal ownership could be put into operation in only one of two ways; first, by the issuance of Mueller certificates under the Mueller law, which would

necessitate the submission to the people of the question as to whether or not these certificates should be issued, entailing a delay of at least six months or more, during which the validity of the Mueller certificates could be tested in the Supreme Court of the State. These serious delays might prevent our placing municipal ownership in force until my term of office expired, in two years.

The other plan contemplated the creation of a construction company, composed of five men of integrity and business character, whose views were favorable to municipal ownership. These men, according to the plan, were to incorporate a corporation which would act as a constructing company for the city. When incorporated, the company should receive a charter for twenty years, empowering it to build, construct and operate until it was paid the cost of construction, the company to bind itself to submit all plans, specifications, etc., for the construction of the road to the city council and have the same approved, and to issue sufficient bonds to enable it to build the road, the bonds not to exceed the cost of the road and to bear five per cent interest.

All the profits of operation over and above five per cent should be paid into a sinking fund to the credit of the city of Chicago; the managers and directors of the company, those acting in the interest of the city, to receive no return upon their stock and no emoluments of any character except reasonable compensation for their services, to be agreed upon by the company and the city council.

Thus would be created a construction company which, upon the faith of a twenty year franchise, could raise sufficient money by the issuance of bonds to build a road immediately. The city would obtain the benefit of all profits from the operation of the road at once, and the company could receive no profit except the interest upon the money invested.

Both of these plans were submitted to the city council on July 5, 1905, and referred by the council to the committee on transportation. I expressed my preference for the construction plan, which I called the "contract plan," but the council has taken no action on either plan.

After waiting for three months for some action, I sent several messages to the council, calling their attention to the vote of the people as expressed at the polls, and I respectfully urged them to take action according to the people's desire. They have absolutely refused to pay any attention to the same, and the transportation committee,

which has the matter in charge, upon its own initiative has invited the present traction companies to present forms of ordinances for the renewal of their franchises for twenty years. They are hurrying through these ordinances with the utmost expedition at the present time.

Every move I have made in the council in favor of municipal ownership has been defeated by majorities of from 47 to 42 to 18 to 22. I am practically powerless so far as the council is concerned. The council, however, has agreed to pass no ordinance that shall not provide for a referendum before the people. I am very confident that when the extension ordinances are submitted to the people they will vote them down next spring.

I have prepared and presented to the council an ordinance in favor of municipal ownership on which the people will vote at the same time.

In addition to having an unfriendly council, I am further handicapped by the fact that every paper in the city, except the Hearst papers, is doing all it can to thwart municipal ownership, and all the banking interests and capitalists of the city seem to be in league to prevent the consummation of municipal ownership in this city.

None the less, I believe the people will insist upon carrying out their wishes already thrice expressed at the polls. I have kept every pledge that I made to the people, and intend to fight this thing out to the end, notwithstanding all of the misrepresentation, vilification and abuse that may be showered upon me and the cause I was elected to further.

In response to the popular mandate I had as shown sent message after message to the city council calling its attention to the vote of the people and asking it in respectful language to give heed to the popular vote as expressed at the polls. All such messages as I have said were treated with contumely and disdain. The Chicago papers had a standing headline which became useful every Tuesday morning after the council meeting of Monday night which read in big black letters "The mayor snubbed again."

Meanwhile the majority of the committee on local transportation confined the work of the committee to the preparation of ordinances in harmony with the demands of the street car companies.

December 4, 1905, the committee on local transportation recommended franchise extension ordinances by a vote of 7 to 4. A minority of the committee recommended an ordinance submitted by me under the provisions of the Mueller law.

After a little more delay suddenly out of a clear sky there came a temporary change in the attitude of the aldermen. As a result the franchise extension ordinances were defeated in the city council, and ordinances submitted by me recommending the issuance of \$75,000,000 of street railway certificates under the Mueller law for acquiring the street railways and another for municipal operation were adopted by a vote of 37 to 32, and were to be submitted to the people under the Mueller law for a vote at the aldermanic election to be held in April, 1906. These ordinances were promptly approved by me as the next best thing to my contract plan which the council would not consider.

At the latter election held in April, 1906, a majority voted in favor of both ordinances. The ordinance to issue \$75,000,000 of street railway certificates was approved by a vote of 110,225 against 106,859. The proposition to authorize municipal operation was carried by a vote of 121,916 against 110,323.

Inasmuch, however, as a joker had been slipped into the Mueller law in the Legislature which required a three-fifths vote to authorize municipal operation, the proposition for municipal operation did not carry, but the proposition for municipal ownership did carry as it required only a majority vote.

While the majority vote for municipal ownership was not as large as it had theretofore been, yet in view of the bitter fight made on the propositions, the hostile attitude of nearly all of the Chicago papers and the confusion of other issues which entered into it, particularly resentment of a certain class of thirsty voters over the increase of saloon licenses from \$500 to \$1,000, which ordinance I had approved, the latest verdict of ratification of municipal ownership by the people was unmistakable.

On March 12, 1906, the city won one of its greatest victories against the traction companies when the Supreme Court of the United States decided the case involving the ninety-nine year act. That court held that so far as granting any rights in the

streets to the company, the act was a myth. One of my first acts as mayor had been to direct the corporation counsel James Hamilton Lewis and Clarence Darrow to diligently prosecute this suit, then lying dormant in the Federal District Court, and obtain at the earliest possible date an opinion from the United States Supreme Court upon the question.

After the city's victory in the case of the ninety-nine year act, which had annihilated the claims of the companies in that regard, and pending the hearing of the litigation which would test the validity of the Mueller law and the ordinance based upon it, which had been adopted a short time before, I deemed it advisable after consulting with the friends of municipal ownership, to appoint Mr. Walter L. Fisher, an able and adroit attorney, as special traction counsel in place of Mr. Clarence Darrow, who had resigned, and to enter into guarded negotiations with the street car companies. The purpose of these negotiations was to ascertain whether the companies would be willing to agree upon a fair price for their present properties and rehabilitate the same upon plans to be agreed upon between the city and the companies and then turn over these plants to the city at any time upon the payment of the purchase price and the reasonable cost of rehabilitation.

Pursuant thereto a letter was addressed by me on April 27, 1906, to the then chairman of the committee on local transportation, Alderman Werno, embodying my views upon the subject. This communication became known in traction history as the "Werno letter."

In that letter I declared:

The city should therefore be given the right of purchase at any time. . . . It does possess the right without being given it by any further act of the companies. This right should be jealously preserved until municipal ownership has been actually obtained. . . . The controlling consideration must be that nothing shall be done which will impair the right of the city to acquire the street railway system as soon as it has established its financial ability to do so. . . . If they (the companies) will join, if possible as one company, in the reconstruction of their entire system, upon plans to be adopted by the city, with their con-

currence, which shall provide for unified service, through routes, universal transfers and operation, under revocable license, then they should be adequately assured of the payment of the value of their present property (to be now fixed before rehabilitation) and additional investment when the city does take over the lines, and they should receive a fair return upon this present and future investment and some share of the remaining net profits while they continue to operate. Subject to these provisions, the net profits of operation should go to the city as a sinking fund for the purchase of the property.

The traction companies agreed before the committee on local transportation to carry on the negotiations along these lines and that committee and myself industriously carried on negotiations with the companies until the early part of January, 1907.

Many of the conditions insisted upon in the "Werno letter" were apparently complied with by the companies. They agreed to sell their properties upon six months' notice. They furnished an inventory of their tangible property and permitted the experts employed by the city to examine into the value of the same. They agreed upon a price for their tangible property then existent.

But as the negotiations proceeded towards culmination I found that there had been inserted into the proposed ordinances many provisions which would be dangerous to the public interests and which would practically prevent consummation of the people's desire for municipal ownership. These provisions were pointed out to the companies by myself and others and they were urged to strike out and amend the same so as to make them satisfactory to the popular demand. These requests were refused and the transportation committee proceeded with remarkable haste to finish up these ordinances containing as they did these dangerous provisions.

This was the situation of affairs on January 7, 1907. When I was elected mayor I pledged myself solemnly to the people and did also my opponent, Mr. Harlan, to give them an opportunity to pass upon any ordinance or ordinances settling the traction problem before final adoption. The city council, by its unani-

mous vote on October 15, 1905, had gone on record to the same effect.

But to make assurance doubly sure, on January 7, 1907, knowing that but twenty-four days were left under which steps could be taken to give the people a chance for a referendum vote on the present ordinances, I asked the city council in a message to reenact the resolution of October 15, 1905, so as to permit the people to have the last say upon the traction question. To my great astonishment, the council, by an overwhelming majority, refused to reenact the resolution.

The only method then by which I could keep my pledge, after the refusal of the council to cooperate with me, was to appeal directly to the people. This I did on the 8th of January. I issued an address to them, stating the circumstances then existing and asked them to assist me by getting up referendum petitions upon the proposed ordinance and filing the same with the election commissioners within the ensuing twenty-four days. The people of this city responded with alacrity and vigor and petitions were circulated throughout the city for that referendum.

The committee on local transportation, however, noting the public response, one week afterward, passed a resolution co-operating in the securing of the referendum.

On January 16, 1907, I publicly announced to the people of Chicago that I would upon my known record as mayor be a candidate for renomination as mayor on the Democratic ticket. Former Mayor Carter H. Harrison announced himself as my opponent in the primary election campaign.

While the contest for my renomination was in progress and on February 4, 1907, after an all night session, the city council passed the 1907 so-called traction settlement ordinances. I gave to the ordinances the most careful scrutiny and after long and thoughtful consideration I concluded that they failed to properly protect the rights of the city and that while masquerading as municipal ownership ordinances, they would utterly fail to accomplish that purpose. Accordingly on February 11, I vetoed the ordinances and in my veto message to the city council I

pointed out wherein I thought the ordinances were fatally defective.

Even a superficial reading of the veto message which I delivered to the city council at that time will show that the objections which I recited to the traction ordinances of 1907 were germane, well founded and substantial as has been proved since over and over again.

My veto message read as follows:

To the Honorable, the City Council:

GENTLEMEN: I return herewith, without my approval, an ordinance passed at the last regular meeting of your honorable body, and published at pages 2944 to 2990, inclusive, of the current printed council proceedings, entitled "An Ordinance Authorizing the Chicago City Railway Company to Construct, maintain and operate a System of Street Railways in Streets and Public Ways of the City of Chicago."

I also return herewith, without my approval, an ordinance passed at the last regular meeting of your honorable body, and published at pages 2990 to 3054, inclusive, of the current printed council proceedings, entitled "An Ordinance Authorizing the Chicago Railways Company to Construct, Maintain and Operate a System of Street Railways in Streets and Public Ways of the City of Chicago."

My reason for withholding my approval of the above mentioned ordinances are as hereafter stated.

In my letter, addressed to Alderman Werno, chairman of the committee on local transportation, dated April 27, 1906, I stated that, in dealing with the traction question, "The controlling consideration must be that nothing shall be done which will impair the right of the city to acquire the street railway systems, as soon as it has established its financial ability to do so." This being the controlling consideration in framing these ordinances, the right of the city to acquire the street railway properties should be fully protected in the same. This, in my judgment, has not been done.

While purporting, upon their face, to give the city the right to acquire the traction systems of the companies at any time upon six months' notice, the ordinances fail to provide practical methods for the acquisition of the systems. The properties can only be purchased by the payment of

money. The city can only secure money by the issuance of Mueller certificates. At the present time, the authority of the city to issue certificates is limited to \$75,000,000. After the payment of the usual brokerage fees these certificates will not net to exceed \$72,000,000 in cash. The price of the present properties—tangible and intangible—as fixed in the ordinances aggregates \$50,000,000. The cost of rehabilitation, it is admitted, will be from \$40,000,000 to \$50,000,000 and may run up to an unlimited amount, making the total cost to the city at least \$90,000,000 to \$100,000,000.

One of the ordinances, to-wit, that running to the Chicago City Railway Company, requires the payment of all cash. The other requires the payment of all cash, except the cost of rehabilitation which, under the terms of that ordinance, may become a lien subject to which the city may acquire.

It has been roughly estimated and stated before the committee on local transportation that the cost of rehabilitation of both companies will be divided in the ratio of two-fifths in the case of the Chicago City Railway Company and three-fifths in the case of the Chicago Railways Company. If both the companies accept the ordinances and complete rehabilitation, it might be possible for the city to acquire both plants at any time, under the terms of the ordinances with \$75,000,000 worth of Mueller certificates. But it was admitted, during the negotiations, that a consolidation of both companies is highly probable in the immediate future. Indeed, Mr. Wilson, representing the Chicago City Railway Company, in an address before the committee on local transportation, flatly stated, as an objection to his company agreeing to sell its plant to the city subject to the lien of the cost of rehabilitation, that he expected that that company would be called upon to expend \$75,000,000 in the acquisition of the north and west side plants and in the rehabilitation of the three systems, and that he would not, therefore, consent to have incorporated in the ordinance to the Chicago City Railway Company a provision permitting the city to take over the plant, subject to the lien of the cost of rehabilitation.

If the ordinance becomes effective and consolidation takes place, as is highly probable, in view of Mr. Wilson's statement and in view of the fact that the same financial interests dominate and control both companies, that consolidation will operate under the more favorable to the companies of the two ordinances and the more favorable

of the two ordinances is that which runs to the Chicago City Railway Company. This ordinance must and, if it becomes effective, will be accepted within ninety days. The other ordinance need not be accepted until one hundred and sixty-five days after its passage and, in my judgment, it is highly probable that it will never be accepted. I confidently predict from what has come to my knowledge during these negotiations that a consolidation will take place within the early future and that when that consolidation does take place it will be under the ordinance of the Chicago City Railway Company which provides that the city may not acquire the plant unless upon the payment of cash to the amount of the total cost of all the properties and the rehabilitation of the same. The city being in the position of having only \$72,000,000 worth of cash on hand, as at present authorized by the Mueller certificates ordinance, it will never be in a position to acquire these plants until the city council shall see fit to pass supplemental ordinances authorizing Mueller certificates to the aggregate of at least \$100,000,000.

It may be said that the city council can pass such ordinances in the future, but from all our experience within the last two years we must know what almost insuperable obstacles will be offered to the passage of such supplemental ordinances. Although the citizens of Chicago declared for immediate municipal ownership of the traction system of this city in the election of April, 1905, by a vote of 141,518 to 55,660, and although I was elected mayor by a majority of nearly 25,000 on that sole issue, we all know how difficult it was, notwithstanding that tremendous popular vote, to obtain any ordinances authorizing the issuance of Mueller certificates and that when the ordinance was finally passed, it was the result of a sudden and most remarkable change in aldermanic sentiment as expressed in previous votes.

Unless a provision is now incorporated in these ordinances, limiting the cost of rehabilitation at any time to the amount of Mueller certificates authorized to be issued, in my judgment, it will be most difficult, if not impossible, judging of the future by the past, to obtain the passage of such ordinances, no matter what may be the popular sentiment upon the question.

Already the influences, inimicable to municipal ownership, are making themselves manifest in the State Legislature, where a bill is now pending to limit the issuance of bonds for the acquisition of public utilities. If a pro-

vision were inserted in these ordinances, as in my judgment it should be, limiting the amount to be expended by the companies on rehabilitation to an amount within the limit of the Mueller certificates, now authorized or which shall hereafter be issued, it would be to the interest of both the traction companies and the people to have such ordinances passed, and as both the traction companies and the people would be interested in the passage of such ordinances, we could confidently count upon the enactment of ordinances authorizing such certificates. Nor would this delay the progress of rehabilitation. Such an ordinance could be passed with the cooperation of the traction companies and submitted to the people within one year and during that year the companies could hardly expend \$22,000,000 in rehabilitation.

If these ordinances become effective in their present form without any such provision, it will be plainly and clearly to the interest of the traction companies, in order to prolong the life of their tenure in the public streets, to oppose at all times the passage of such ordinances. That they would exert their influences in that direction will not be denied. I, therefore, unhesitatingly state that, in the present condition of these ordinances and with the strong probability that consolidation of these companies will take place under the ordinance of the Chicago City Railway Company, it will be impossible for the city to purchase from \$90,000,000 to \$100,000,000 worth of property with cash while our resources under the present ordinance are limited to but \$72,000,000 in cash.

Nor can we hope with any confidence, under the terms of these ordinances, that a fund will certainly be acquired out of the fifty-five per cent net receipts which becomes the property of the city. The traction companies have been very loud in their protestation that the city's portion of the net receipts will aggregate \$1,350,000 during the first year of the ordinances and that these profits will increase year by year. But when they were asked in committee to guarantee that such returns would come to the city by amending their ordinances so as to guarantee at least eight per cent of the gross receipts, they utterly refused to do so. We must, therefore, view with serious misgivings their assertions that the net receipts coming to the city will be any substantial part of the gross receipts.

Before the committee on local transportation an effort was made by the city's representatives to obtain a guarantee

of at least eight per cent of the gross receipts, but the companies refused this most reasonable proposition. Notwithstanding that refusal, you have passed these ordinances without any provision of any character for gross receipts.

Not only do the ordinances fail to guarantee to the city an income of any character, but, if the ordinances become effective, approximately \$125,000 per year, which is now paid to the city under existing ordinances, will be wiped out.

While under the terms of these ordinances the city would be compelled to pay from \$90,000,000 to \$100,000,000 in cash with less than \$72,000,000 available, and while there is no provision for a guarantee of a sinking fund, the city is further embarrassed by a provision in the same which permits these companies to charge ten per cent contractor's profit upon the cost of rehabilitation and at the same time ordinances permit them to make subcontracts. Subcontractors will not work without a contractor's profit and presumably the subcontractor will obtain his ten per cent profit, and yet after the payment of the subcontractor with his profit, the company is empowered under the ordinances to charge ten per cent additional, both on the cost of subcontracts and the profit obtained, therefrom. There is nothing in the ordinances to prevent the gentlemen in control of these properties from organizing construction companies and having these construction companies obtain a contract, with the approval of the board of supervising engineers, for the building of power houses, railway barns and other costly structures in which event the construction company will be paid its usual profit and the company, in addition to this profit, will be permitted to charge the people in case of purchase an additional ten per cent for letting of these contracts.

Under the terms of the ordinances no licensee company, to which the city may give a license, may acquire the plants of the present companies, unless upon the payment of a twenty per cent bonus over and above the price the city would have to pay, if it acquired the properties for municipal ownership and operation. The reason advanced by the traction companies for insisting upon this premium was that they should be protected against the sand-bagging operations of rival capitalists. That some protection, if not to this amount, should be given against the machinations of other capitalists might well be conceded but an effort was made before the committee on local transportation to

have the present companies consent to the incorporation in the ordinances of a provision that, if a licensee company should offer to the city to accept an ordinance of similar character and give the citizens of Chicago a four-cent fare, that, in such case, the companies should take the money invested in the plant and turn over the properties to the company that would give the citizens of Chicago a four-cent fare. This provision the companies absolutely refused to accept. In my judgment a rival company that offered such terms to the citizens of Chicago could in no aspect of the case be considered in the light of a sandbagging corporation and I believe that, in the interest of the people of this community, such a provision should be incorporated in these ordinances, particularly in view of the fact that three-cent fares now prevail in Cleveland and Detroit, and will soon obtain in many other American cities, and that a four-cent fare with universal transfers now obtains in Indianapolis.

Even at the expiration of twenty years, under the ordinances as at present framed, the city or any licensee company could not take possession of the property until it has paid the present companies the value of their present properties and the total cost of the rehabilitation; although at that time and for many years prior thereto the \$9,000,000 worth of unexpired franchises now existing and the \$4,358,743 worth of cable property, which is now part of the contract purchase price of \$50,000,000, will have wholly disappeared.

There are other objections to the ordinances of quite serious character. In the precipitous haste with which the ordinances were passed in an all-night session, immediately after the adjournment of the committee on local transportation at seven o'clock p. m., some twenty-eight amendments which had not, before the meeting of the council, been printed, were incorporated in the ordinances and some thirty-eight amendments were voted down. Many of the amendments offered, accepted and rejected, were long and complicated, one of those accepted containing over three thousand words, and could not in the nature of things have been understood, even if heard, by the members of the city council during the exciting session.

It is not to be wondered at, therefore, that such laudable amendments as those which provided for the arbitration of disputes between the companies and their employes, a provision limiting the cost of rehabilitation to the amount

of Mueller certificates authorized, amending the clause permitting subcontractors' profits, requiring a guarantee of eight per cent of the gross receipts and protecting the public in the right to secure a four-cent fare or a three-cent fare, should have been voted down; and that no provision now appears in the ordinances regulating the maximum hours or the minimum wage to be paid to employes; nor that the agreement between John A. Spoor, Thomas E. Mitten, the city of Chicago and the First Trust and Savings Bank, which purports to remove the obstruction created by the existence of the present general electric ordinance, is not signed by any of the parties.

The ordinances have not only failed to thoroughly secure the demands of the people for early municipalization of the traction systems but the method of their passage lacked the deliberation and careful consideration which measures of such importance to the public require.

Under the provision relating to power houses and buildings, the companies are permitted to secure power from any source other than the companies' own power plants, with the approval of the board of supervising engineers. This provision would permit the companies, subject only to the approval of the board of supervising engineers, to make contracts for any length of time and for any price with the Edison or Commonwealth Companies, and if the city took over the systems, it might be compelled to assume the burden of such a contract, no matter how remunerative it might be to the power company or however onerous it might be upon the city, or however desirable it may be for the city to furnish its own power.

Because of the foregoing serious objections, some of which, in my judgment, will make it impossible for the city, as at present circumstanced, to acquire the funds necessary to purchase these properties, I am deliberately of the opinion, after receiving light from all available sources, that these ordinances, while ostensibly permitting the city to acquire the plants at any time upon six months' notice, really and in fact place the city in such a position as to make it impossible to carry out the purchase under the terms of the ordinances.

As, in my judgment, it will be impossible for the city under the terms of these ordinances, from its present existing resources, procured by the sale of Mueller certificates, to acquire the properties at any time for municipal ownership, these ordinances are not municipal ownership meas-

ures, but ordinances masking under the guise of municipal ownership, while really and in fact giving the present companies a franchise for twenty years, if not longer. This is in violation of my letter to Alderman Werno, referred to above, to which it is claimed these ordinances conform, and which letter distinctly stated that these companies should be given the right to operate "under revocable licenses," and further stated that "it is absolutely essential that nothing shall be done to enlarge these present rights of the existing companies or to deprive the city of its option of purchase at any time."

The people have demanded that any ordinance which may be passed dealing with this traction question must preserve the right of the people to municipalize at the earliest possible moment and they have a right to have their repeated demands carried out in spirit and in letter and no ordinances which in fact prevent the city from acquiring these properties for many years to come should be passed contrary to their instructions.

The city council immediately passed the ordinances over my veto by a vote of 57 to 12, the following aldermen only voting to sustain the veto of the mayor.

George F. Harding
John A. Richert
John S. Derpa
Michael Zimmer
Joseph Z. Uhlir
Albert W. Beilfuss

Lewis D. Sitts
William E. Dever
Nicholas R. Finn
Patrick J. O'Connell
Joseph F. Kohout
Patrick J. Nolan

I had been successful, however, in my insistence that the people have a voice in any traction settlement and accordingly the ordinance provided for a referendum vote upon them at the mayoralty election to be held April 2, 1907.

At the advisory primary election held February 21, 1907, I was victorious over Carter H. Harrison, and on February 23, 1907, I was renominated for mayor by the Democratic City Convention which adopted a platform urging the defeat of the so-called traction settlement ordinances and setting forth the record of the "Dunne" administration.

The day after my renomination for mayor the *Chicago Inter Ocean*, a Republican newspaper which had consistently opposed my administration, made the following editorial comment under the heading,

The Renomination of Mayor Dunne

The nomination by his party for a second term as mayor of the Hon. Edward F. Dunne is a tribute to his political honesty and sincerity. Mayor Dunne believed that certain theories of the manner in which local transportation should be organized and conducted were right. He pledged his faith to them, obtained his election on that pledge, and lived up to it. It is hardly necessary for *The Inter Ocean* to say that ie does not believe in a municipal ownership of street railways or in E. F. Dunne's theories. *The Inter Ocean* has consistently opposed municipal ownership as impracticable and as a dangerous centralization of governmental power. Furthermore, *The Inter Ocean* warned the people when the municipal ownership agitation raged and the Mueller bill was rioted through that the "reform" newspapers and the "reform" leagues which were then clamoring for municipal ownership were not for municipal ownership. They were using municipal ownership merely as an issue to win on and to get themselves fat jobs and power to deal with traction capitalists to their personal advantage. It was obvious that they would be against municipal ownership when the time came to put it into actual practice. Time has proved the truthfulness of *The Inter Ocean's* prediction. These "reform" interests, groups and newspapers are now all against municipal ownership. They are fighting for their lives and pocketbooks against it. But in trying to fool the people all the time they sowed the wind and are now reaping the whirlwind. . . .

Edward F. Dunne, however deluded; went right along the road he promised he would go. Mayor Dunne is an impractical man. His theories are not good for this community. But he is at least a consistent man.

While the traction question occupied, of course, the great part of the attention of the public during my administration, there had been other events of great importance which had taken place during those two years.

Shortly after my inauguration as mayor in company with a committee of citizens appointed by me, I went to Springfield and urged upon the Legislature the passage of a law enabling the cities to regulate the price to be charged by private companies for gas and electric light. The General Assembly, in response to the demand of the public, passed such a law and the same was ratified by the people of Chicago upon a referendum vote.

Immediately after the adoption of this law in conformity with what I regarded to be my duty as mayor I addressed a message to the city council asking that the price of gas be reduced from \$1 per thousand cubic feet to 75 cents. My investigation into the subject of gas rates had satisfied me that 75 cents would be a reasonable charge for the companies to make. The city council, however, passed an ordinance fixing the rate at 85 cents. I vetoed that ordinance as I thought that 85 cents was too high a rate for the people to pay. The city council passed the ordinance over my veto. But if it had not been for the stubborn fight I made for the reduction in gas rates, the city would not even have obtained gas at a rate 15 cents per thousand cubic feet less than they had been theretofore paying.

During my term as mayor the water service of the city was completely reorganized. Here, too, justice was aimed at. For many years the city, by reason of an unfair and discriminating water ordinance, had been put in the unjust and reprehensible position of charging its water consumers differing and discriminating rates varying from 4 cents per 1,000 gallons to 10 cents per 1,000 gallons. The ordinary small consumer had been charged 10 cents while the powerful and wealthy corporations of the city were being supplied with water at 4 cents per 1,000 gallons. I could see no just reason for this and sent a message to the city council calling its attention to the iniquities of the ordinance and suggesting that all consumers pay the same rate. As a result of this message I was unable to secure any action in the city council. So I sent it another message on the same subject but it failed to bring any results. Finally in September, 1906 I reached the determination that this inequitable ordinance must go and I again addressed a third message to the council pointing out the unfairness and injustice of the

ordinance then in effect. Finally as the result of the third message the city council enacted an ordinance establishing a flat rate of 7 cents per 1,000 gallons on all consumers alike. Under the new ordinance adopted by the city council some thirty-six large corporations in the city, which had formerly been privileged to buy water at 4 cents per 1,000 gallons were compelled to pay 7 cents per 1,000 gallons, while many thousands of small consumers who had formerly been paying 10 cents, were given the new reduced rate of 7 cents. Nor was there any loss of income to the city but on the other hand a slight increase owing to the fact that these large consumers used as much water as all the small ones combined.

Moreover as mayor I was able, through the vigorous action of the law department of the city to obtain a decision from the Illinois Supreme Court, the effect of which was to reduce the price of telephones for unlimited service from \$175 per year to \$125 per year, which in itself was a great boon to the people of Chicago.

Also during my administration the prices charged for electric light were reduced over 25 per cent. The city council had passed a contract ordinance granting valuable consolidation privileges to the Edison and Commonwealth companies. The terms of that ordinance, in my judgment, were prejudicial to the interests of the people of the city, and it was my veto alone that delivered the citizens of Chicago temporarily from that impending unfair electric light monopoly. After I retired from the mayoralty, the council passed an ordinance consolidating the Commonwealth and Edison companies, thus creating another monopoly.

Nor was this the sum total of what had been achieved during my administration as mayor. The City of Chicago added materially to its police and fire departments. One thousand additional policemen were placed upon the police force during my term as mayor. The efficiency of the police department was attested by the public statement of a responsible organization, composed of such men as Bishop Fellows, Bishop Muldoon, Quin O'Brien, Nathaniel C. Sears and others, that Chicago was at that time "freer from vice, crime and lawlessness than it had ever been in its history." During my administration saloon licenses were raised from \$500 to \$1,000.

I found upon entering office as mayor that there existed in the heart of the city, within the loop and immediately adjoining the same, several nests of disreputable houses; on LaSalle Street, near the courthouse, and on Custom House Place and on State Street, which were an eyesore to the public and a menace to public morals. They were exterminated. Street walking was suppressed in these localities and public gambling driven into obscure holes and corners.

The city administration at that time also entered upon a vigorous crusade against the sale of decayed and diseased meats and other unwholesome foods.

Upon entering office, I also found that a large number of unscrupulous merchants were using short weights and false measures in the sale of commodities, but vigorous and persistent efforts practically eliminated these dishonest practices from the city.

During the whole of my administration I had been vigorously asserting through Commissioner Joseph Medill Patterson the right of the community to compensation for the use of public property, both under and over the sidewalks of the city and a large amount of rental from that source was collected.

The administration, moreover, through the sturdy and vigorous enforcement of the building laws put a stop to violations of the building ordinances, both by the merchant princes on State Street and Wabash Avenue, as well as by the humblest citizen in the outskirts. In enforcing these ordinances the building department, under my administration, knew neither fear nor favor.

A like vigor characterized the administration of the law department of the city. In that department in 1906 Clarence S. Darrow and Glenn E. Plumb laid away forever the ninety-nine year ghost which intimidated for so many years the citizens of Chicago. The same department won almost every important case that it carried to the Supreme Court and succeeded in collecting, as was shown by the report of Corporation Counsel James Hamilton Lewis to the city council, over \$2,000,000 from corporations and estates hitherto evading just taxation which

had been eluding the sleepy eyes of the board of assessors and board of review.

An honest and public spirited board of education which I appointed, composed of Jane Addams, Raymond Robins, Wiley W. Mills, Dr. John Guerin, John J. Sonstebly and others of like character, succeeded in unearthing and exposing to the public gaze the scandalous and dishonest leases of school property, given by former boards to favored corporations. That board endeavored to set aside those scandalous and dishonest leases in the interest of the school children of this community, but without success.

The administrations of the commissioners of public works, Joseph Medill Patterson and his successor William L. O'Connell, were honest, vigorous and efficient. All contracts were let to the lowest bidders and no favor of any sort shown to one contractor over another. During my administration more water was pumped at a cheaper price than ever before in the history of the city.

During my administration also, the department of electricity placed more electric lights on the streets than were placed during the first eleven years' life of the municipal lighting plant and more than four times as many as were placed during the combined six years' administration of Mayors Roche, Washburne, and Swift.

Upon entering office, I found in the code an alleged smoke correction ordinance which was a travesty upon legislation. Under its terms, it was well-nigh impossible to obtain a conviction. At my instance the city council repealed this fake ordinance and enacted a new enforceable ordinance in its stead.

The civil service laws during my administration were honestly and rigidly enforced and no man was discharged from the public service, until after a full and fair trial given him.

The finances of the city had never been in better condition. At the close of the year 1904, the corporate purposes fund showed a deficit of \$218,503.51. On the 31st day of December, 1906, there was a surplus of \$4,274,771.43, the largest amount of surplus on hand in the history of the city.

My administration, I am proud to say, redounded to the material welfare of the citizens of Chicago. Energy and honesty characterized the administration of every department of the city government. I made the city hall an unsafe place for grafters. I permitted no man or no set of men to place their collar around my neck and I treated all classes of citizens exactly alike, whether they were clothed in rags or in broadcloth.

But in the mayoralty campaign of 1907 the traction question became the outstanding issue. The opposition newspapers practically placed no limit to mendacity in discussing my candidacy. Vituperation, villification, misrepresentation and abuse became the watchwords. "Beat Dunne at any cost" was the slogan. The financial leaders and professional reformers of the city were united with the characters of the underworld as never before in any campaign. Various fake uplift organizations spontaneously came into being for the purpose of passing the traction ordinances and defeating me for reelection. Among them the bogus Strap Hangers League and the Citizens Non-Partisan Traction Settlement Association came into action.

The city was placarded with posters depicting new elegant street cars containing no straps and with every passenger seated in a comfortable seat. Glittering promises of unexcelled street car service, with no straphangers and a guaranteed 5 cent fare for twenty years were made to the public. Literature was mailed to every voter with fake explanations of the ordinances and urging the people to "settle the traction question once for all." But the people never seemed to have reflected that the traction companies were furnishing these countless thousands of dollars to win the approval of the ordinances.

I was opposed for reelection by every newspaper in Chicago except the Hearst papers. These opposition papers also advised the voters to approve the pending so-called traction settlement ordinances.

The day before the election the *Chicago Tribune* under the heading "What Chicago Needs" printed the following which is an excerpt from an editorial of that date:

Chicago needs an up-to-date traction system. It will have one if the traction ordinances shall be adopted. . . .

The men who wish to ride comfortably should go to the polls tomorrow and vote for the ordinances.

Two days before the election the *Chicago Daily News* printed the following editorial:

Settlement or Chaos

The most important question which the voters will be asked to decide on the little ballot Tuesday is whether we shall have chaos on the traction question or immediate improvement of service. . . .

The pending ordinances provide the quickest, safest and probably the cheapest way to secure municipal ownership if that is what the people want. . . . It is difficult to believe that the people will prefer further confusion and disappointment to the fair settlement of the traction question which the ordinances offer.

A few days before the mayoralty election, William Loeffler called upon me in the mayor's office. He previously had been city clerk and was a power in politics in certain wards of the city. He also wielded a considerable amount of influence among certain politicians. He said to me, "Mr. Mayor, you are going to be beaten next Tuesday unless you make certain promises to some of the leaders of the party in the three river wards about police inspection in those wards. Why don't you promise them what they want, then you will be elected for four years and after election you can then tell them to go to hell." But I told him that while I appreciated his courtesy in calling upon me, I could not comply with his suggestion or make any promises to the bosses about police inspectors who would have charge where gambling or prostitution might be carried on and that I would make no promises that I did not intend to keep. "All right, then," he said, "your goose is cooked next Tuesday."

Billy Loeffler was right. On the night of election, April 2, 1907, the so-called traction settlement ordinances were approved according to the election returns by a majority of 33,086 though I was defeated for reelection as mayor by a plurality of but 12,000 votes.

A \$600,000 slush fund, I was afterward reliably informed, was spent in that campaign, two sums of \$50,000 being placed

in the hands of two of the most prominent of the Democratic leaders. Though the Democratic platform declared against the ordinances, many of the then Democratic leaders were outspoken in favor of them; and many others were secretly for my opponent as well as in favor of the so-called traction settlement ordinances, which didn't "settle." Tons of my campaign literature, it was afterward alleged, found its way into the river. An anonymous book was printed and circulated during the campaign which pictured me as a libertine and an adulterer. In many places the people were bewildered with the hullabaloo and the bunk in the newspapers. In the river wards where money counts most, my candidacy was literally slaughtered at the polls. My refusal to appoint police inspectors at the dictation of the Democratic ward bosses and traction money both contributed to my defeat in these wards.

But the people, I think, afterwards compared the promises made to them at that time, as to what they would receive as a result of the passage of these so-called traction settlement ordinances; and what they did receive in the way of service from the traction companies. During my administration honest service had been rendered the city. Graft and crookedness had been driven from the city hall. History can compare it with the administration of my immediate successor in the office of the mayoralty, and the verdict I am confident will redound to my credit.

As for myself I had been offered a large sum of money if I would go along with the traction ordinances. The manner of the tender of this bribe was subtle in the extreme, as I presume such matters usually are in the circumstances. I had a warm personal friend who was well known to certain gentlemen connected with the public utility interests. This gentleman while the traction ordinances were pending explained in great detail to me how much the ordinances would benefit the city and myself. Then he went on and said how much it would mean for him and myself financially if the ordinances were enacted into law—mentioning a large amount of money and stated that if I did not oppose the ordinance it would ensure my reelection.

Notwithstanding the counsel and advice of my friend I did all I could to defeat the ordinances, which I then thought, and still think did not properly safeguard the rights of the people of Chicago, and prevented the city from acquiring the traction properties.

Another of the opportunities presented to me that I recall to make a little "easy money" as another caller informed me was when I ordered the closing down of the brothels on Custom House Place adjacent to the heart of the city. They had been an eyesore and a disgrace for years. A warm personal friend assured me that I could have received \$50,000 (for my campaign fund) if I would agree to let them remain for just another year. But needless to say my order stood and the plague spots were eradicated.

I retired from the mayor's office with a clear conscience, with hands untainted, with a clear record, with a stout heart and with confidence that I had kept every trust reposed in me by the people. I had done my full duty and I had not broken a single pledge. I had simply run up against the money power and utility interests which were as powerful with the press and politicians as they are today. During my term I had always stood for what I thought was right, just and fair, but I was opposed by the privileged classes. They could not handle me so they defeated me by the employment of unlimited money and unscrupulous mendacity.

Though I did not, of course, realize it at the time my defeat as mayor was a blessing in disguise. Had I not been defeated for mayor it is very doubtful to say the least that I would ever have been elected to the exalted office of governor of Illinois.

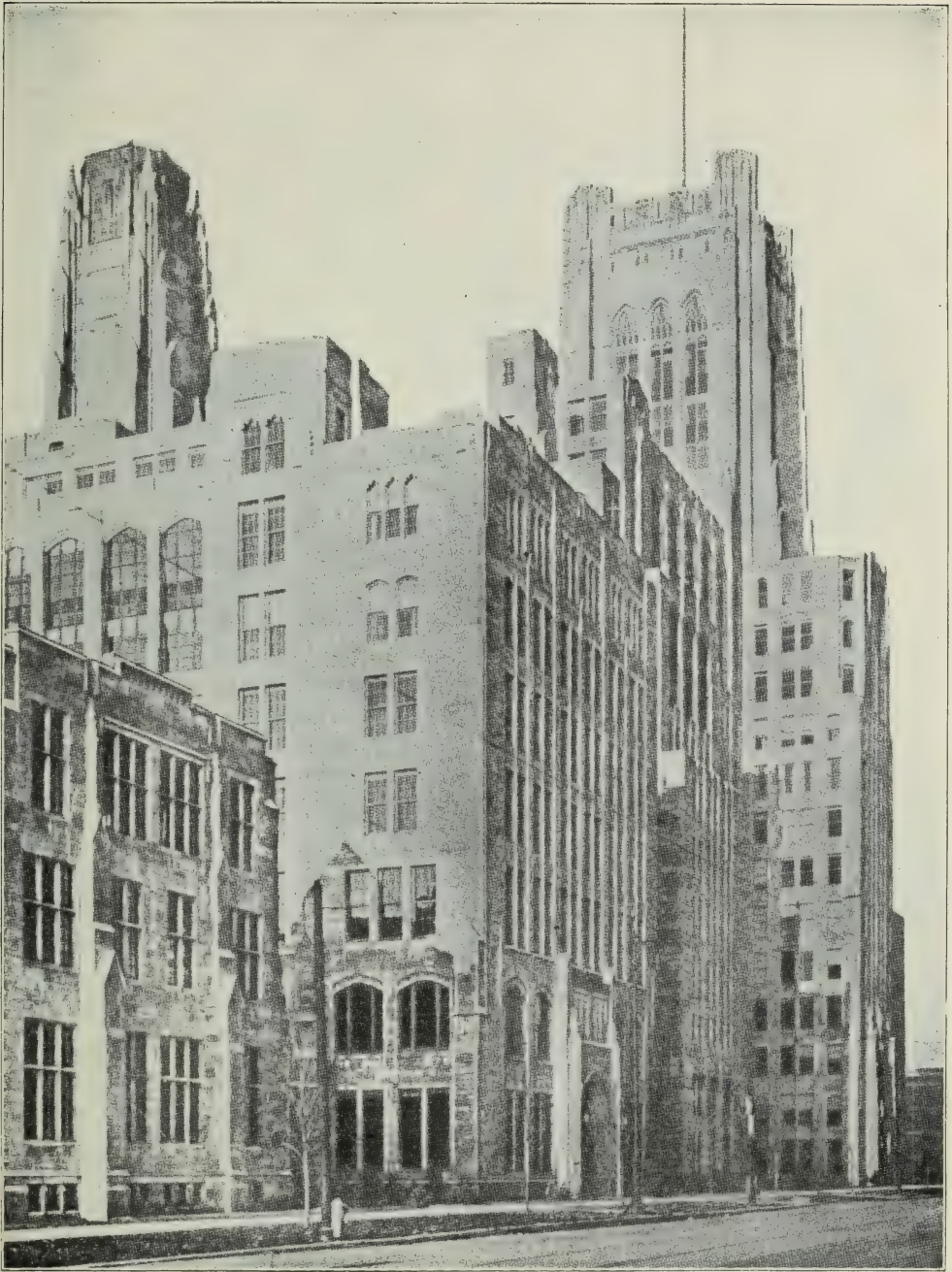
I would be the last person to refuse to admit that as mayor of Chicago I had not made some mistakes. Having been on the bench for thirteen years before I was elected as mayor, I knew little of the finesse of city, ward and precinct politics; and made some serious mistakes in taking the advice of some of those who had my confidence. I mean that I made some mistakes in selecting men for office and in removing others who were in office. I left political matters to a large extent to be taken care of by men I trusted, but who were not adepts

in practical politics. I found out that was not the way to secure retention in office. The so-called bosses of my own party were decidedly opposed to municipal ownership and quietly helped the utility corporations to beat me.

The separation of Inspector Nicholas Hunt from his place in the Police Department I do not now think was justified. He had given many of the best years of his life to the service of the city, and I made a mistake in allowing him to be ousted. I have always regretted that action particularly. The same holds true of the treatment accorded under my administration to Captain Clancy of the Police Department. He was transferred hither and thither from station to station by the Superintendent of Police without any sufficient cause therefor. When I was a candidate for the Democratic nomination for governor he wrote me a frank letter pledging me his support notwithstanding the treatment he had received under my administration as mayor. I would hardly have expected his support.

The attitude of the various Chicago newspapers toward my various candidacies for public office was, of course, always of importance to me. I was endorsed by all the Chicago newspapers when I was a candidate for judge. But when I ran for mayor and governor things were different. The *Chicago Daily News* was opposed to me in all my mayoralty and gubernatorial campaigns. The *Chicago Journal* supported me for mayor against John Maynard Harlan and bitterly opposed me for mayor against Fred A. Busse, but supported me for governor in both of my campaigns for that office. The *Chicago Evening Post*, as a Republican newspaper, opposed me in all of my political campaigns. The *Chicago Inter Ocean*, while always fair to me in its news columns, did not support me in my political campaigns. The Hearst papers and Mr. Hearst in person supported me in my campaigns for mayor in 1905 and 1907 and in my campaigns for the governorship. The conduct of the *Chicago Tribune* toward me during my public career was very interesting. I fought its publishers bitterly, and they fought me back more bitterly, if anything.

During my campaign for mayor in 1905 my opponent, Mr. Harlan, was earnestly and warmly supported by the *Chicago*



NORTHWESTERN UNIVERSITY BUILDINGS ON MCKINLOCK CAMPUS
(Courtesy Northwestern University.)

Tribune. Joseph Medill Patterson, now one of the owners of the *Chicago Tribune*, the *New York Daily News* and the *Liberty* weekly, was then his father's assistant. His father, since deceased, was then editor in chief of the *Tribune*.

To my great surprise as well as to my great advantage during my campaign for mayor in 1905, Joseph Medill Patterson resigned his position as his father's assistant upon the *Chicago Tribune* and espoused my candidacy for mayor. He was one of my most earnest and loyal supporters and spoke nightly in behalf of my candidacy with telling effect at political meetings throughout the various wards of the city. The *Tribune* though continued even more earnestly, if possible, to advocate the election of John Maynard Harlan.

The night of my election as mayor, Mr. Patterson was present at my headquarters in the old Palmer House. After hearing the returns which assured my election, I stated to the press representatives when being interviewed that I hoped to appoint Mr. Patterson as a member of the Chicago Civil Service Commission but Mr. Patterson stated at the time that he would not accept such an appointment.

Upon my induction into office as mayor I determined to appoint the highest type of men obtainable to positions in my cabinet regardless of politics. I wanted no graft or inefficiency if I could help it. The position of Commissioner of Public Works was one of the most important offices which I had to fill. The incumbent had the spending of millions of dollars of the people's money and the responsibilities of that office were very heavy. I wanted to appoint such a man as would make graft and waste in that department impossible. I offered the position to Mr. Patterson. After reflection he accepted it, and I advised him that he was to have an absolutely free hand in the conduct of the department. Our relations were most cordial. We conferred almost daily upon departmental problems under his jurisdiction. Politicians frequently complained to me about Mr. Patterson doing this and refusing to do that but I paid no attention to their complaints. I had the utmost confidence in my Commissioner of Public Works. That confidence was not

misplaced. I doubt if in its history the Department was more honestly, economically or ably conducted.

What was my great astonishment, therefore, when in March, 1906, after he had been in office almost a year, Mr. Patterson wrote me a letter from Washington advising me that he had become a socialist and resigning his position as Commissioner of Public Works. At the same time he sent his letter of resignation to me he sent copies of it to the Chicago newspapers. It was a most unique and interesting letter and for its historical value I reproduce it in substance below.

No. 15 DU PONT CIRCLE, Washington, D. C., Feb. 28
—The Hon. E. F. Dunne, Mayor of Chicago—Dear Sir:
I am induced for various reasons to resign my position as commissioner of public works, my resignation to take effect immediately.

At the very outset I wish to thank you for the cordial and kindly treatment which you have always accorded me in my private and in my public capacity. In many ways it is a source of great regret to me that my resignation must come at this time, because I feel that so many of the things which I have undertaken rest uncompleted.

The water works system is in the best shape of any of the branches of the department. The council has passed legislation which will permit of the placing of the whole organization in perfect working condition.

The operation and construction of bridges, the change of the city hall, of the bureau of compensation, of the bureau of information, of the bureau of maps and city architecture, of the Chicago harbor (as defined by the code), have been vested by my order in Thomas G. Pihlfeldt. His conduct of these various administrative branches has been satisfactory.

It was through a common belief in the cause of municipal ownership of municipal utilities that I first became acquainted with you, and, in the letter of resignation, I desire publicly to express just how my views on this subject have changed. *They have not diminished, they have enlarged.* I used to believe that many of the ills under which the nation suffers and by which it is threatened would be prevented or avoided by the general inauguration of the public ownership of public utilities. But my experience in the department of public works has convinced me

that this policy would be not even one-fourth of the way sufficient.

Take the case of Great Britain, where municipal trading has been developed to a high and successful degree. The problem of the unemployed there is becoming one of tremendous and sad intensity. The evils of capitalism are, as far as one can judge of them, simply affected by municipal trading.

Take the case of Germany, where government ownership of railroads has been inaugurated and the municipal ownership of public utilities is paramount. In that empire the rich continue to grow richer and the poor poorer with an acceleration hardly less than that so evident in the United States.

Since you have been inaugurated mayor of Chicago you have sought, and, in spite of the sneers and opposition of your critics, you have sought most successfully, to further the cause of municipal ownership, and I have, in a far minor way, since my induction in the office to which you appointed me, sought to diminish the amount of special privilege in our city.

In the downtown department of the city of Chicago there are hundreds of bay windows projecting beyond the building line. These bay windows may have been put there by virtue of a council order or ordinance, in which case the council order or ordinance was unconstitutional. But practically none of these bay windows have been removed. All that we have been able to do is to charge a very moderate compensation.

The compensation so collected has been illegal because laws do not permit of the alienation of part of a sidewalk. However, we sought to collect this compensation because we thought it was better than nothing.

The sincere resistance accorded us has been amazing. One would suppose that a set of incendiaries, anarchists, communists, and all the other "ists" which are the terms of great reproach in our language had sought constantly to destroy the interests of the community. It never occurred to the owners that they were getting something for nothing. They simply realized that they were making money by having the bay windows and paying nothing for them.

The whole body of our laws as at present framed is ridiculous and obsolete. They are designed always to uphold capital at the expense of the community. *The most potent*

weapon in the armory of capital is delay, for delay induces forgetfulness of the wrong and the chance to corrupt.

Money is so strong nowadays that, given time, delay, it can in some form or other corrupt most men: or, if it cannot do that, it can get the crank out of the way.

I realized soon after I took the office that to fight privilege under the present laws would be a jest. The cards were stacked in its favor from the start; the dice were loaded, and are loaded against the community. . . .

It isn't because rich men are bad or a class apart. They are not. But when money possesses them (they practically never possess money) it alters their very souls without their realizing it, and it is simple to see why. It is because money is what a man most wants. It is the very dearest wish of his heart, whatever that may be.

Money is power and dominion. It is wine and women and song. It is art and poetry and music. It is idleness and activity. It is warmth in winter and coolness in summer. It is clothing and food. It is travel and sport. It is horses and automobiles, and silks and diamonds. It is books. It is education. It is self-respect and the respect of all others. No one possesses it, but it possesses everybody.

In life money means everything, and therefore anybody will do anything to get it. It enslaves those whom it possesses, and it likewise enslaves in a more sordid way those who have none of it. The man who has money, masters the destinies of those who have it not. . . .

The universal ballot gives every male citizen an equal political opportunity. The common ownership of all the means of production and distribution would give everybody an equal chance at music, art, power, sport, study, recreation, travel, self-respect, and the respect of others. I for one cannot see why those things should be concentrated more and more in the hands of a few.

Two hundred years ago a proposition for equal opportunity would have seemed more absurd than today seems the proposition for equal opportunity in all things on this earth for which men strive.

Capital says that today there is equal opportunity for all. In this capital lies and know it.

By distributing money evenly, I do not mean to say that all the money in the country should be cut up into equal bits and that everybody should get a bit of it.

But, on the contrary, I believe the ownership from which money springs should be vested in the whole community.

In other words, as I understand it, I am a Socialist. I have hardly read a book on Socialism, but that which I have enunciated I believe in general to be their theory. If it is their theory, I am a Socialist.

You will find, and other advanced liberals and radicals who believe as you do will also find that you are merely pottering with skin deep measures when you stop short of Socialism.

I beg your pardon for so long having trespassed on your time, and I wish you all the good fortune in the world. Believe me, my dear Mr. Mayor, with best regards, Yours very sincerely, JOSEPH M. PATTERSON.

Several days after receiving Mr. Patterson's letter, he called upon me in the mayor's office and we parted as the best of friends. In my campaign for reelection as mayor in 1907, Mr. Patterson did not support me but supported the Socialist candidate.

As mayor I endeavored through the Board of Education appointed by me to have set aside a lease which the *Tribune* had secured years before from a former school board and which I thought was scandalously unfair to the city. The Illinois Supreme Court, however, at the end of the litigation refused to set aside the lease.

Both before Mr. Patterson resigned as Commissioner of Public Works and afterward during my entire administration as mayor I was bitterly opposed, criticised and attacked by the *Chicago Tribune*. In one venomous editorial the *Tribune* stated among other things that I had "packed the board of education with boodlers."

I immediately wrote a letter to the then state's attorney, John J. Healy, demanding a grand jury investigation and in that letter I stated that either I should be indicted for malfeasance in office, if what was said in the editorial was a fact, or else the editors of the *Chicago Tribune* should be indicted for criminal libel if the statement contained in the editorial was not a fact.

A grand jury investigation was held before which the editors of the *Tribune* and myself appeared. But the grand jury voted no indictments. Instead it submitted a report among other things commending me as an "honest public official." I also at the same time filed a civil suit against the *Tribune* for \$100,000 damages. The *Chicago Tribune* two years later settled that suit with me by paying me \$500 for my expenses in the matter and by publishing on November 13, 1908, an editorial retracting the statement that I had packed the Board of Education with boodlers. That was satisfactory to me.

Although the *Tribune* had known almost no limit in their endeavor to drive me from the mayor's office and though I was defeated for reelection as mayor, yet I had at least the satisfaction years afterward of having them withdraw publicly their remarks detrimental to my character. That editorial entitled "Tardy Justice to Ex-Mayor Dunne" read as follows:

A friend of ex-Mayor Dunne has called attention to an editorial published in the *Tribune* two years ago which he believes did an unintentional injustice to the ex-mayor in the heat of a political campaign. *The Tribune* said that the mayor had packed the board of education with boodlers. In justice to Mayor Dunne the *Tribune* has reexamined its editorial and agrees that the complaint of the ex-mayor's friend has some foundation.

The Tribune never intended to charge Mayor Dunne with intentionally appointing men of that character to the board of education.

It was its purpose to criticise his judgment of men. While differing radically from him on his political views and questioning his sagacity in making political appointments, the *Tribune* at no time has questioned the personal integrity of Judge Dunne, his desire to appoint honest men to office, or his honesty of purpose in the selection of his appointees.

It is but fair to say of him that during his long career in public life, as judge, as mayor, and as a leader of the Democratic party in the State, he has neither affiliated with boodlers nor wittingly appointed them to public office.

Afterward in 1916 when I had almost completed my term as governor and was a candidate for reelection the *Tribune* in its recommendations to the voters on the eve of the governorship

election stated that the voters could take their choice as between entrusting the destinies of the state for the ensuing four years to Frank O. Lowden, my opponent, or myself. That was a long step from the bitter attacks they made upon me when I was mayor.

In connection with my second campaign for the mayoralty let me tell a story not generally known which I believe is without parallel in politics and which for a time made me believe that my reelection would not be seriously contested, but which probably by accident turned out to be of material advantage to my opponent and helped him to be elected to the mayoralty.

I had known my Republican rival, Fred Busse, for a number of years before his nomination by the Republican party. I had worked for a short time in the same office with his father, and as Fred and I met from time to time in and about the courts in which I was a lawyer in active practice and afterwards a judge, and in one of which Busse was a bailiff, he and I always greeted each other, shook hands and passed the pleasantries of the day.

After his nomination as candidate of the Republican party for mayor, John T. Connery, a prominent coal dealer and an active Democrat, came to me and told me he was a friend of Busse, as well as myself, and that Busse had called upon him and expressed a desire to have a friendly talk with me. I expressed surprise over the matter and was urged by Connery to meet him. Mr. Connery assured me that it would do me no harm, but on the contrary, from the way that Busse talked to him, he, Connery, believed that it would do me good instead of harm. I gave the matter a few minutes' thought and consented to meet him. I asked Connery when and where he wanted me to meet him. Connery suggested that I call at Connery's office early the following day, when he assured me Busse would meet me with no one present but him, Connery. I kept the appointment and found Connery and Busse alone in his, Connery's, private offices. Busse greeted me cordially. We shook hands and sat down for a talk at his request. Busse then opened up and said in substance that he wanted to have a little candid talk with me; that he had been nominated for mayor, and would be called upon to make a campaign. "Now," said he, "I can't make a public speech. I never did, and I won't now. I am not going

to make a spectacle of myself on the public platform. I am going to leave Chicago and keep off the platform. You can go to it with your speeches and arguments and go the limit, but treat me personally as decent as you can."

I laughed and said that I did not resort to personal abuse in any public speech and that he would be the last man towards whom I would resort to that character of a speech. We chatted for a few minutes on inconsequential matters and then laughingly shook hands and parted in a friendly manner.

I left the meeting in a pleasant state of mind, feeling that Busse would do just what he said he would do and that my campaign would be an easy one. Connery advised me to say nothing about the interview and I took that course. Judge of my astonishment when a few days afterwards the newspaper men rushed into me and said that Fred Busse, while on a temporary visit from Chicago, was seriously injured in a railway accident somewhere down East. I was genuinely sorry for him and promptly expressed the same and the hope that he was not severely injured and would soon recover. I made some kindly remarks about him, among others that "Fred Busse's word was as good as his bond." The Chicago newspapers opposing me next day played up the incident to the limit. Fred Busse, they claimed, was critically injured in a railway accident and so disabled as to prevent his taking the platform and conducting a campaign. Thence on the papers declared it was to be a fight of the I. M. O. candidate, in good health and vigor, against a sick and disabled man. Other friends must represent the disabled candidate on the platform, and the red-blooded voters must take up the cause of the stricken candidate and rally in their thousands to his support on election day.

I was placed in an embarrassing position. He was injured in a railway accident. It turned out afterwards that he was not seriously hurt. Nonetheless, he was hurt. I felt it would be unmanly to tell the public then that he had told me he would leave the city and make no campaign. It would look like kicking a man when he was down. The result was that the accident made him many sympathizers and lost me many votes.

It was a strange, tragically-humorous episode in a great election campaign.

CHAPTER LXVII

THE AUTHOR BECOMES CANDIDATE FOR GOVERNOR IS NOMINATED AND ELECTED

In November, 1912, an election was to be held throughout the country for the office of President of the United States. In Illinois a governor was to be elected. Governor Deneen was the incumbent as governor. He had already been elected twice to the governorship and his term was to expire in January, 1913. Though Illinois had ordinarily been a Republican state by a very large majority, yet in 1908 Governor Deneen had defeated Adlai Stevenson by a reduced majority. After that contest there had been charges of gross irregularities in the election and a contest threatened in the House of Representatives at Springfield. But Governor Deneen retained the office of governor. He had served two terms. No governor in the history of the state except Governor Oglesby has been elected for three consecutive terms and there was grave doubt in my mind whether Governor Deneen at that time could be reelected as governor.

A new, radical and progressive spirit had been sweeping headlong over the land. The people had gotten fed up on the stand-patism and reactionary tendencies of the Republican administration at Washington under President Taft. In November, 1910, a Democratic majority had been elected in the Congress of the United States. Woodrow Wilson, a Democrat, thoroughly progressive, had the year before been chosen Governor of New Jersey, a normally Republican state, upon a progressive platform.

On January 21, 1911, the National Progressive Republican League had been organized in Washington, D. C., with Senator Jonathan Bourne, Jr., a Republican, of Oregon, as its president.

The league advocated the adoption of progressive legislation, such as a corrupt practices act, the initiative, referendum and recall, direct primaries for all elective offices, direct election of delegates to national conventions, with the privilege given to the voter to express his preference for President; and the election of United States senators by direct vote of the people. In its declaration of principles the league held that the government of the people had been frustrated and progressive legislation defeated by special interests which controlled party organizations, delegates and conventions.

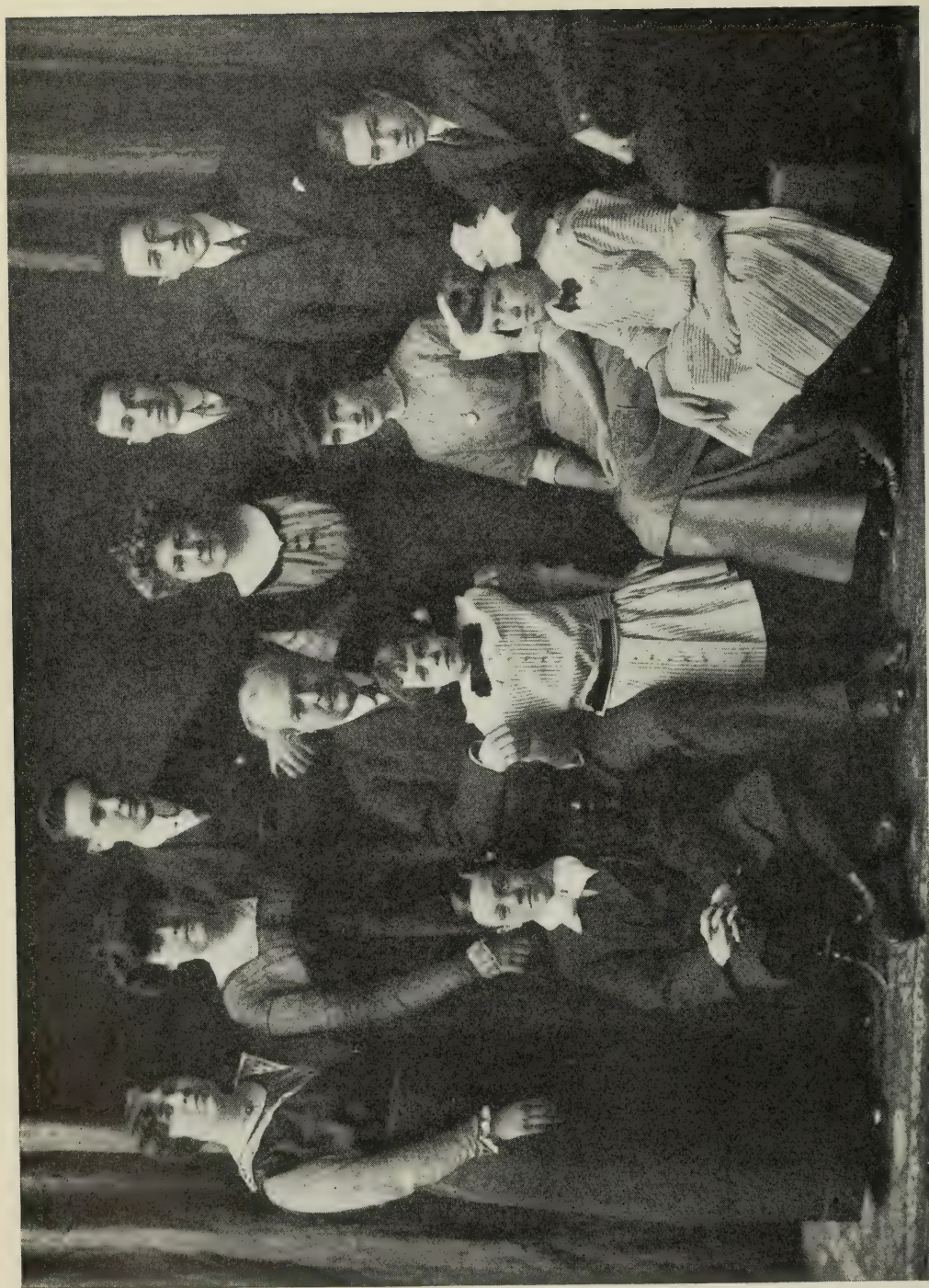
On October 16, 1911, a national progressive Republican conference had been held in Chicago and Senator LaFollette was endorsed for President. Loud rumblings of discontent were being heard throughout the country from Republican and Independents against the Republican leadership of President Taft and others.

The time had arrived, I concluded, when the Democratic party, although for decades the minority party in the state, had an opportunity of electing a governor of Illinois. Hundreds of my fellow-citizens had been urging me to become a candidate.

In January, 1912, therefore, I announced my candidacy for the Democratic nomination for governor. In my announcement I pointed out to the people that the time had come in Illinois when "Jackpot Government must go."

"For fifteen years," I declared in my announcement for governor, "Republican jackpot bosses have been in complete control of the government of the State of Illinois. During that period the expense of maintaining the government has increased from about five million dollars per annum, under the last Democratic governor and true friend of the people, Altgeld, to the staggering total of nearly fifteen million dollars per annum under Deneen. During that period the state has been disgraced and its citizens humiliated by an unparalleled saturnalia of debauchery and corruption. The great corporations have evaded just taxation and the public resources have been wasted and dissipated.

"During that period our Legislature and the state board of equalization have become a by-word and an object of scorn be-



EDWARD F. DUNNE AND FAMILY AT TIME OF INAUGURATION AS
GOVERNOR IN JANUARY, 1913

Standing (left to right): Mona, Eileen, Edward, Mrs. Dunne, Maurice and
Richard. Seated: Eugene, Governor Dunne, Jeannette, Mrs. E. F. Dunne, Jr.,
Geraldine, Robert Jerome

cause both have taken orders from jackpot bosses, who have abused their self-assumed authority by throttling the demands of the people and forcing obedience to the commands of the corporations and trusts doing business in the State. . . .

"During these fifteen years of power these jackpot bosses have repeatedly turned a deaf ear to the demands of the people for a direct primary by having enacted a series of imperfect laws, knowing them to be imperfect, that were declared null and void by the Supreme Court, one after another, as often as they came before that court and not until 1910 did these jackpot bosses permit the passage of an act that was within the limitations fixed by the court. Even that law does not give the people the power they should have in selecting candidates.

"The people's demand for the initiative and referendum, twice asserted by popular vote and by overwhelming majorities, has been ingeniously evaded and finally denied. . . .

"Now the Republican leaders are all at each other's throats—Deneen, Lorimer, Busse, Campbell, and Pease, and their followers and satellites in the State. They have grown rich and powerful, and no longer are in agreement about how to divide the spoils. They cannot again fall back upon the so-called protective, but in truth, the robber tariff, and the delusive 'full dinner pail,' and for once find themselves with no cohesive strength to further delude the public. Such being the situation of the Republican party and its leaders in this State, the time has arrived, in my judgment, when the public will not longer be misled and imposed upon by the discredited and disunited firm of political office brokers and their parasitical followers.

"The steady adherence of the Democratic party to the policy of tariff for revenue only is at last to bear fruit, and the public, too long exploited and plundered by the party in power, is ready to turn to honest doctrines and progressive Democratic measures. Believing this to be the condition of the public mind, it is my firm conviction that the Democratic party is about to return to power in this State and also in the Nation, pledged to the enactment of laws governing corrupt practices at election, election of Senators by direct vote of the people, the abolition of that instrument of venality and favoritism in taxation, the

board of equalization, the enactment into law of the initiative and referendum and other progressive measures which will restore representative government and assure the people of permanent control of the functions and prerogatives that have been wrested from them by the forces of special privilege through the debauching of corrupt public servants.

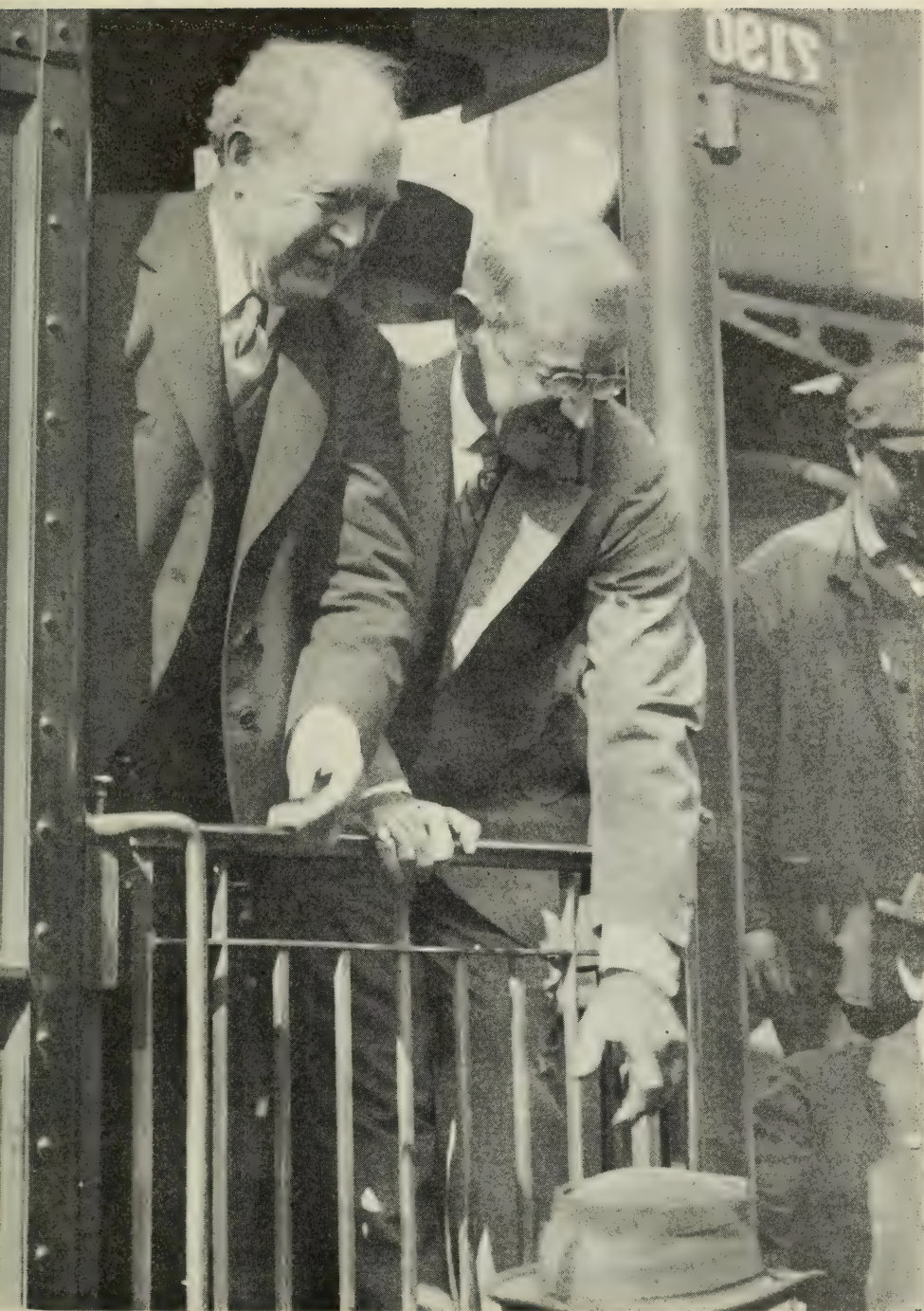
"In other words, I believe the time has come when jackpot government must go and when the honest manhood of Illinois will rescue their commonwealth from the wickedness, favoritism and corruption that are besmirching its good name.

"It may be that owing to the expense necessarily involved in making a thorough canvass of the State, I may not be able to reach personally or by mail many thousands of my fellow citizens, and because of this situation I am constrained to ask the cooperation and support of all who believe in clean, honest and progressive government. I ask them to give me their assistance upon the pledge that if placed in the Governor's office of this great State, I will devote my whole time, energy and such ability as I may possess to the regeneration of its politics, and in substituting for the existing rule of the 'jackpotter' and 'office broker' the rule of the people, who are and should be the makers of the Constitutions and laws of this splendid commonwealth."

Samuel Alschuler, an honest and able man, now judge of the United States Court of Appeals, also announced himself as a candidate for the Democratic nomination for governor. Years before Mr. Alschuler had been the Democratic standard bearer and though unsuccessful had made an exceptionally strong campaign. One of his slogans in 1912 was "Nominate the man who can be elected in November." Ben F. Caldwell, a Democratic congressman from Sangamon County, also became a candidate. Both were men of high standing and excellent character.

In the Republican primary Governor Deneen, who had in the meantime announced his candidacy for reelection, had the following six opponents: Len Small, John E. W. Wayman, Charles F. Hurburgh, John J. Brown, Walter C. Jones, J. McCann Davis and Richard Yates.

While the primary contests for the Republican and Democratic nominations for governor were being vigorously fought,



EDWARD F. DUNNE AND WOODROW WILSON ON CAMPAIGN TOUR

events that were to become notable in history were taking place in national politics. A battle for the Republican nomination for President was rapidly developing between President Taft and former President Roosevelt, who in 1908 had been President Taft's political godfather in obtaining for him the Republican nomination for President.

In some states the progressive leaders refused to support the candidacy of Senator LaFollette, who had been endorsed for President by the national progressive Republican conference above referred to, and on February 10, 1912, the Republican governors of seven states of the Union formally urged Mr. Roosevelt to become a candidate and requested him, in an open letter, to declare whether if the nomination for the presidency came to him unsolicited and unsought he would accept it. President Roosevelt replied that he would accept the nomination if it were tendered to him.

The statewide primaries for governor and other offices were to be held in Illinois on April 9th. Under the preferential primary provision of the statute on the Democratic primary ballots appeared for President the names of Champ Clark and Woodrow Wilson and on the Republican primary ballots appeared the names of Theodore Roosevelt, William H. Taft and Robert M. LaFollette.

When the ballots were counted after the primary election law on April 9, it was found that Mr. Roosevelt carried the State of Illinois in the Republican presidential primary by the following vote: Roosevelt, 266,917; Taft, 127,481; LaFollette, 42,692; Champ Clark had defeated Woodrow Wilson by a tremendous majority in Illinois in the Democratic presidential primary.

Among the Democratic candidates for governor the primary contest although vigorous was even tempered and courteous. The canvass of the votes of the primary election held April 9, 1912, showed that of the votes cast at the primary I had received 131,212; Mr. Alschuler, 87,127, and Mr. Caldwell, 71,972, resulting in my receiving the Democratic nomination for governor by a plurality of 44,085. Governor Deneen was success-

ful also and obtained renomination on the Republican ticket by a plurality of 64,168, after an exceedingly bitter campaign.

In the battle between President Taft and former President Roosevelt for delegates to the Republican National Convention to be held in Chicago June 22, 1922, many contesting delegates were selected in different states. In exciting sessions before the Republican National Convention and its committees, it was decided to seat most of the delegates favorable to Taft, which raised a storm of protest from the adherents of Mr. Roosevelt and from himself. As illustrating the feeling of Mr. Roosevelt immediately before the nominations were made Governor Henry J. Allen of Kansas, a delegate, read to the convention the following statement from former President Roosevelt:

A clear majority of the delegates honestly elected to this convention were chosen by the people to nominate me. Under the direction and with the encouragement of Mr. Taft, the majority of the national committee, by the so called "steam roller" methods, and with scandalous disregard of every principle of elementary honesty and decency, stole eighty or ninety delegates, putting on the temporary roll call a sufficient number of fraudulent delegates to defeat the legally expressed will of the people, and to substitute a dishonest for an honest majority.

The convention as now composed has no claim to represent the voters of the republican party. It represents nothing but successful fraud in over-riding the will of the rank and file of the party. Any man nominated by the convention as now constituted would be merely the beneficiary of this successful fraud; it would be deeply discreditable to any man to accept the convention's nomination under these circumstances; and any man thus accepting it would have no claim to the support of any republican on party grounds, and would have forfeited the right to ask the support of any honest man of any party on moral grounds."

However, the Republican National Convention renominated President Taft for a second term at the Chicago Coliseum on June 22, 1912. But while the convention was in session and just shortly after its adjournment, the Roosevelt followers, including the regular and contested delegates from twenty-two

states and others prominent in the progressive movement, held a meeting in Orchestra Hall and determined to form a new party with Theodore Roosevelt as its leader. Colonel Roosevelt was present at the meeting and accepted the leadership of the new party.

On July 7, 1912, the call for the Progressive party convention was issued to be held in Chicago on August 5, 1912, for the purpose of nominating a candidate for President and Vice President of the United States, and on the latter date the Progressive party nominated Theodore Roosevelt for President and Senator Hiram W. Johnson of California for Vice President.

The Progressive party also nominated a complete state ticket in Illinois headed by former State Senator Frank N. Funk of Bloomington for governor; and complete Progressive county tickets were also placed in the field in the various counties of the state.

As the campaign progressed, as I owned no auto my campaign manager, William L. O'Connell, hired one and chauffeur for me and I made an automobile tour downstate, visiting and addressing meetings at most of the principal cities. This automobile tour disclosed to me at the time the condition of the roads downstate. They were abominable and in many places absolutely impassable. I determined that if I should be elected governor I would take steps at once, if possible, to bring about legislation which would improve the highways of the state and I am glad to say that I was able to carry out that policy.

The campaign for governor as it approached election day became more bitter between the Republican and the Progressive candidates. The Democratic party in that election, on the other hand, was exceptionally free from partisan strife. Judge Alschuler, who had been my principal opponent in the primary, was one of my main supporters in the election and made many speeches throughout the state in my behalf. Congressman Caldwell also supported my campaign in a gracious manner.

When the ballots were counted on election day I found that I had been elected governor by a plurality of nearly 125,000 votes. Governor Deneen promptly wired me his congratulations and in my reply I was glad to say to him that nothing had

occurred in the campaign to alter our friendship of twenty years' standing.

I was the first Democrat elected in twenty years and the second Democratic governor elected in the history of the state since Governor Matteson retired in 1858.

At the same election at which I was successful a new House of Representatives was elected and one-half of the Senate. When results of the vote were tabulated it was found, however, that while the Democratic party had elected its full ticket of state officers, yet due to a Republican gerrymander, the new Democratic governor would not have a Democratic legislature.

It was not until February 3, 1913, at noon, that I was inaugurated as governor of Illinois. The inauguration took place in the presence of both houses of the General Assembly, the justices of the Supreme Court and a distinguished array of citizens. The inauguration should have been held on January 12th but on account of no party having a majority in the House of Representatives, a deadlock ensued over the election of a speaker which was finally broken after almost interminable balloting by the election of Representative William McKinley of Chicago, a Democrat friendly to me, as speaker of the House. Although the State Constitution recited that the governor shall hold his office for the term of four years from the second Monday in January, yet I could not take office before the election of a speaker as William T. Stead (who was then attorney general) ruled that the newly elected state officers could not be seated until the vote cast at their election was formally canvassed in joint session of the two houses of the Legislature and the result declared officially by the speaker.

Speaker William McKinley presided over the inaugural ceremonies at the joint session of the Senate and House. The oath of office was administered to me by Chief Justice Frank H. Dunn of the Illinois Supreme Court and Governor Deneen, the retiring executive, in an appropriate address, presented me as the new governor of the state.

When the last Democratic governor, John P. Altgeld, retired from office on January 11, 1897, his successor, Governor Tanner, had requested the managers of the House and Senate, not to

permit the retiring Democratic executive to speak at the inaugural ceremonies although it had been the invariable custom in Illinois, and although Governor Altgeld was on the platform and had already sent copies of his address to the press.

When I had been defeated for mayor, I was extended no courtesies of any kind by Mayor Busse, the Republican, who succeeded me. He even hurried to take the oath of office before the time fixed by the city council for his inauguration as mayor. But I determined to see that Governor Deneen as the retiring executive of the state should be extended every possible courtesy and he was, and that nothing of any kind would take place in the endeavor to humiliate him as had been the case in the ceremonies when Governor Tanner, a Republican, succeeded Governor Altgeld, the last Democratic governor, and when I had been succeeded as mayor by Busse.

On the evening of my inauguration as the first Democratic governor to be elected in sixteen years, a public reception was held at the executive mansion. The Cook County Democracy attended in a body attired in their full regalia headed by the late lamented Captain Farrell. Democrats and Republicans poured past the receiving line in a seemingly unending procession until long past midnight. I know that the next morning Mrs. Dunne and myself found it necessary to see a doctor and have our right hands bandaged to relieve the pain and pressure caused by shaking hands with so many thousand persons.

The Illinois General Assembly during my term as governor enacted a number of laws which I recommended and which I approved, that were far reaching in their effect upon the welfare of the people.

Probably the most conspicuous was the state public utility act. In some detail I emphasized in my inaugural message delivered on February 3, 1913, to the Forty-eighth General Assembly the grave necessity of the prompt crystallization into law of measures which would insure to the public decent service from public utility companies at reasonable rates.

"The day of competition," I told the Legislature in my message, "in the supply of gas, electric light and power, street rail-

ways and other public utilities has passed. Monopoly in these matters has come to stay.

"In these modern days no municipality can tolerate the tearing up of its streets, every few months or years, by rival water, gas, electric light, heating or telephone companies in the laying of pipes, wires and conduits.

"Only one utility producing concern should be allowed that privilege for each utility in each city.

"That concern must be either the municipal corporation itself or a private corporation.

"The sole aim of a public corporation is to operate to the satisfaction of the community, which is always assured by giving the best service at the lowest rate.

"The sole aim of all private corporations, unregulated by law, is to make money for their stockholders, and the most money can be made by poor service at a high rate to the consumer.

"The only question, then, is whether the public shall own and operate through State or local agencies, or whether it shall allow these utilities to remain in the ownership and control of private corporations and regulate them by law.

"After a careful investigation, through funds contributed by various vested interests, the Committee on Municipal v. Private Operation of Public Utilities, appointed, in 1906, by the National Civic Federation, reported nineteen to one:

"'To protect the rights of the people, we recommend that the various states should give to their municipalities authority, upon popular vote, under reasonable regulations, to build and operate public utilities, or to build and lease the same, or to take over works already constructed. In no other way can the people be put upon a fair trading basis, and obtain from the individual companies such rights as they ought to have.'

"In other words, this commission, of which a majority at the start were strongly in sympathy with, or identified with private ownership, held the right of municipal ownership to be more important than any form of regulation.

"While most cities of Illinois may not be ready, as yet, to undertake municipal operation of other than waterworks, legis-

lation should be enacted immediately, giving all cities the right to build or buy, and to operate their utilities. For this purpose, cities should be empowered to issue bonds, subject to a referendum and such other reasonable safeguards as may be necessary. If such rights are given, it will force private corporations, now furnishing these utilities, to give decent service at decent rates, or face the alternative of public ownership.

"Important as it is to give cities the right to manage their own public utilities, it is also important to give to State and local bodies large powers of regulation of the public utilities that remain in private hands.

"These utilities may be broadly classed as 'intra-urban' and 'inter-urban.' In other words, they are either local in character, confined to a city and its suburbs, or they run through country districts and connect one place with another.

"In the latter class are included interurban electric railways, natural gas mains, electric transmission lines, and a considerable portion of the telephone systems of the State.

"In the other class are included city gas, electric light and power, heating, and street railway companies, and such parts of the telephone system as are operated within cities by virtue of franchises granted by such cities. Waterworks in private hands, and, doubtless, some other public utilities, could be included in this class.

"The interurban utilities can only be regulated by the State. For that purpose a well-equipped Public Utilities Commission should be created with large powers. It should control the issue of securities, the character of service, the rate of charge, etc. It should be appointed by the Executive with the approval of the Senate.

"With respect to intra-urban, or strictly city utilities, it might be well, at the start, to give to the proposed State commission control of the city utilities *when requested by any of the several cities of the State*. The commission, however, should be empowered to secure uniformity of accounting and full publicity with respect even to the city utilities, and should be prepared to furnish this information in tabulated form in its annual reports, and in further detail to public officials.

"The commission should also be equipped with funds and authority, so that it can employ and furnish competent expert help in cities seeking advice and assistance from this State commission.

"When requested to do so by any municipality, the commission should also supervise the service of these city utilities.

"It would also be well to give the State commission full control of all new issues of stocks, bonds and notes, and other evidences of indebtedness of all the public utilities of the State, including those within the cities. If this were done, the commission should be equipped with resources and power to make a physical valuation of such properties. No additional securities should be permitted to be issued save for additional physical property and legitimate brokerage. It should be distinctly provided that future issues of securities, when approved by the commission, should be clearly separated by serial numbers, or otherwise, from existing securities, to the end that purchasers might always know whether they were buying new securities, approved by the State, and issued for an increase of physical investment, or, whether they were buying securities issued prior to the enactment of the law, and that had not in any way passed under the scrutiny of the State.

"In addition to a law conferring the right of municipal ownership, and another creating a State Utilities Commission, *we need legislation conferring upon cities that choose to exercise it, the same rights of control over all their city utilities that they now possess with respect to water companies.* Chicago secured such a right with respect to gas and electric companies about six years ago. A similar law, with perhaps some additional powers, should be passed for all cities.

"After some experience with the legislation, recommended above, we shall be in better position to determine whether the powers of the State commission should be further increased. *It is, of course, desirable, and in accordance with democratic policy, to confer as much home rule as possible upon cities, and to concentrate in State and national hands only such powers as are State or Nation-wide in their scope.*

"To Chicago and all cities over 100,000 population might be given the right, enjoyed by the city of St. Louis, of creating its own commission, which would report directly to the city council, and be given such powers and resources as may be conferred upon it by the city itself."

The State Legislature acceded to my request and enacted a law creating the State Public Utilities Commission, which among other beneficial provisions prohibited all railroad and other public utility companies from giving free passes or gratuities to public officials.

But when the bill creating the State Public Utilities Commission was passed by both houses of the General Assembly and presented to me for my approval, it was not in the form in which I had had it prepared. I had recommended home rule for Chicago in the matter of the regulation of its public utilities. The Legislature had stricken the home rule feature from the bill and passed it with no provision for Chicago and other large cities in the state to supervise their public utilities. I appeared in person before the committee having the bill in charge and pleaded with it to exempt from the provisions of the bill all cities with a population of 100,000. There was a great deal of pressure brought to bear upon me to veto the bill after the Legislature had refused my request for home rule for cities of 100,000. I held a public hearing upon the matter at which Mayor Harrison and members of the city council of the City of Chicago and others were present. They severely criticised the bill in the form in which it was adopted and urged upon me in no uncertain terms that it should be vetoed.

After listening to the arguments presented at the hearing by Mayor Harrison and others I gave the matter very careful consideration and I approved that bill only after the most mature deliberation. As I said in a public statement which I issued to the people of Illinois at the time I approved the bill, I had done everything within my power to obtain *home rule* for Chicago, and were I to veto the bill because it did not provide for home rule, and that was the only criticism offered in respect to it, public utilities legislation might not have been had in Illinois for years to come.

"Satisfactory control of public service corporation," I urged in that statement, "is manifestly necessary. No one will dispute the accuracy of this statement."

"Such control by a commission should be given every reasonable trial in this State. If that fails, all will concede, there is no alternative but public ownership. A public ownership law has just been passed by the Legislature at my request.

"Public utility legislation, I believe, is no longer in the experimental state. It has been adopted by the states of New York, New Jersey, Massachusetts, Oregon, Wisconsin, Ohio, Indiana, California and other states, some twenty in all, and with results that have proved satisfactory to those communities. The public utilities bill in the form in which it comes to me for approval, notwithstanding that there has been eliminated from it certain home rule provisions, which I earnestly supported and tried to have placed in the act, is in many respects the best measure of its kind that has found its way into the laws of a state. It is elastic; it is workable; it provides ample authority for a public Utilities Commission, when appointed, to deal efficiently with all problems it may undertake. It is in my judgment better than the Wisconsin law which has been regarded as a model in that it eliminates two questionable features of that law, to-wit: first, giving the commission control of *public* owned utilities, and, second, giving private corporations indeterminate franchises.

"The Democratic State platform of 1912, upon which I was elected to the office of Governor, said: 'We demand enactment of legislation creating a commission that will consolidate supervision and control over public service and public utilities corporations, that unjust and intolerable practices shall cease.'

"The Republican State platform of 1912 said: 'We favor the enactment of public utilities legislation that will place all railroad, telegraph, telephone, electric light and power companies, street railways, distributors of gas, express companies and common carriers of all kinds under the control of a commission or commissions having authority over the issuance of stocks and bonds, the fixing of valuation of plants of these corporations

and regulation of their rates and services so as to treat fairly the interests of investors and of the public.'

"The Progressive platform also declared in favor of a State Utility Commission.

"Thus it will be seen that the Democratic platform, and the platforms of the Progressive and Republican parties contained planks demanding the creation of a Public Service Commission, so that the electorate of Illinois substantially voted as a unit in favor of this proposition.

"Taking into consideration all the facts, it is manifest to me that the people of the State of Illinois desire a Public Utilities Commission. It is true the Legislature repudiated the doctrine of home rule, and *it is regrettable that it did not accept the provisions of Article 6 of the original bill, which would have enabled the city of Chicago and all other cities in the State, if they so elected, to govern and control their own utilities.*

"In the original public utilities bill that was prepared under my direction by Professors Kinley, Fairlie and Dodd of the Illinois State University, upon consultation with Professor Bemis, the home rule feature for cities was incorporated. I conferred with Mayor Harrison, Corporation Counsel Sexton, members of the Committee on Public Utilities of both Houses and others, and after many conferences certain changes were made in the bill elaborating on the home rule article.

"When the bill was introduced in the House it contained the home rule feature. The House of Representatives, however, amended the bill by striking out the home rule feature. The bill then went to the Senate. Before the vote on the bill in the Senate, I appeared before that body, and urged them to restore the home rule section. The Senate replaced the home rule provision in the bill, and sent it back to the House of Representatives for concurrence in the amendments.

"In the meantime I spoke to about fifty members of the House of Representatives individually (all I could reach personally) and urged them to concur in the amendments of the Senate, and replace home rule in the bill. On the roll call in the House of Representatives only seventy votes were cast to concur in the Senate amendments, whereas seventy-seven were

needed. The bill then went back to the Senate and on motion the Senate receded from its amendments and the bill comes to me in its present form without the home rule feature.

"Home rule can be provided for hereafter, if public sentiment crystallizes sufficiently to influence the State Legislature at the next session to amend the act so that provisions of article 6 of the original bill may be restored to it. This can be done without prejudice to the rest of the State.

"No criticism is offered of the provisions of the bill except on the single point that it does not provide for home rule. It is modeled on the Wisconsin law, with some features copied from the statutes of other states. Every section has been approved by official representatives of the city of Chicago. It is admittedly as good a bill as could be framed in the light of the experience of those states which preceded Illinois in this vital public reform.

"It writes into the law of this State the principle that the charges of public service corporations shall be based upon a fair return on actual investment. It takes questions of public utility service and charges out of politics and leaves questions of regulation to be determined after scientific investigation, publicly made.

"I sincerely favor the principle of home rule and used my best efforts to induce the Legislature to write it into the statute.

"Chicago is where I have lived most of the years of my life, and I would not knowingly do anything that would in any way harm or impede the progress of that city. I do not believe, however, that it would be fair for me, as Governor of the whole State, to veto this bill if such veto would deprive the rest of the State of material benefits. It has required many years of effort to induce the State Legislature to take the first step toward the scientific regulation of public utilities. It is the judgment of those best informed upon legislative methods that it would be far easier to induce the next Legislature to amend the existing law than to sacrifice the bill already passed and require ground to be broken anew in 1915.

"To refuse to approve the measure in view of the history of public utility legislation in other states, would be tantamount

to running the risk of putting off such legislation indefinitely. Its enactment by the Legislature during the session just ended was almost psychological. For the first time in the history of the State, all of the political parties had united in demanding such legislation. That demand was the outgrowth of years of misconduct and rapacity on the part of the corporations.

"The act does not become effective until January 1, 1914. The Governor has thirty day following that date in which to name the members of the Public Utility Commission. Experience has shown that a considerable time must elapse before such a board can adequately organize to proceed intelligently with the work which it is empowered to perform. Fortunately the board will be prepared to proceed immediately with the work of the State Board of Railroad and Warehouse Commissioners, but the task of dealing with other public service corporations will require preparation and organization.

"The time of the commission will be mostly occupied in looking after interurban utilities and performing the work of the Railroad and Warehouse Commission until the next session of the Legislature, even if no special session should be called, when the act should be speedily amended so as to restore to the cities their present control of utilities, and I will urge the General Assembly to do this.

"To me, the proposition is just simply this:

"Were I to veto the present bill, public utilities legislation might not be had for years to come. With this bill on the statute books and public sentiment heartily in favor of home rule, there should be no serious doubt about having the home rule feature incorporated in the law at the next session. Experience has shown that it is always easier to amend the existing law than to have an entirely new bill passed by the Legislature.

"Having in mind the words of the Democratic state platform upon which I was elected, and having in mind the fact that *I am governor of the whole state*, I deem it my duty to sign the bill as passed and insure to Illinois without further delay the creation of a commission that will consolidate the supervision and control of the public service and public utilities corporations, and I say here that at the next session of the Legislature, no

one in Illinois will more energetically or more earnestly try to incorporate in the bill the home rule feature, than myself.

"The people of the State can depend upon it that whatever the advantages of home rule are as a matter of principle, the Public Utilities Commission to be appointed by me will, to the best of my judgment and ability, be constituted of men of such character and ability as to place the cities of the State under no practical disadvantage by reason of the failure to include the home rule amendment.

"In accordance with my recommendation, the Legislature has enacted a law giving to cities the power to own and operate their public utilities. If the work of the public utilities commission is unsatisfactory and the commission cannot properly control the utilities, public ownership is the only alternative, and this has been amply provided for in the splendid public ownership measure just placed upon our statute book and signed by me within the last forty-eight hours.

"Public ownership, in my judgment, must be the ultimate solution of the complex problems, which, forever, are arising from the attempts of the people to exercise legitimate and lawful control over public utility corporations; but realization of the benefits of public ownership may be deferred for a long time, hence it is urgently essential that there shall be centralized control and authority now.

"This law, in principle and form, is nearly identical with laws, the passage of which was procured by such eminent leaders of modern thought as Woodrow Wilson, of New Jersey, and Senator LaFollette, of Wisconsin, in their respective states."

My views on public ownership and operation of all utilities requiring the use of public streets and highways today are what they were in 1905-1907 as mayor of Chicago and what they were in 1913-1917 when I was Governor of Illinois. I have ridden upon the municipally owned and operated street cars of San Francisco and Port Arthur, Canada, and have found that they have been successfully operated by these cities to the full satisfaction of their residents. The City of Detroit is doing the same thing to the satisfaction of its citizens. What San Fran-

cisco, Detroit and Port Arthur can do, in the western continent, and what scores of cities have been doing in Europe can be done by the City of Chicago and other American cities.

Chicago has been eminently successful in owning and operating its waterworks economically and satisfactorily for over half of a century.

By the enactment into law of the measure creating the State Public Utilities Commission the state was able to exercise for the first time its power and authority to regulate corporations engaged in furnishing to the people those things which by their very nature are monopolistic. Street car, electric light, gas, telephone companies, and other public utilities were for the first time made subject to the regulation and control of competent state authority.

The rates to be charged, service to be rendered, the dividends to be paid, the character and limitations of bonds and stocks to be issued were placed under the control of the state. Discrimination in freight and passenger fares was abolished as well as the free pass to legislators, judges, assessors and other public officials, with its many corrupting influences.

The State Public Utilities Act provided for the appointment by the governor of five commissioners, not more than three of whom might belong to the same political party. I sought to appoint the highest type of men obtainable for these responsible positions. At the outset of the commission I appointed James E. Quan, a well known Chicago business man, as chairman. Mr. Quan resigned in 1915 and to succeed him I appointed William L. O'Connell, who had been commissioner of public works while I was mayor of Chicago and had later been elected county treasurer by the people of Cook County. He was a clean, capable executive and a man of high character and vision and neither under his chairmanship of the State Public Utilities or of that of Mr. Quan did I hear of the slightest criticism of the administration of the public utilities act from either the citizens of Chicago or elsewhere. As the other members of the commission I appointed Judge Owen P. Thompson, of Jacksonville, a member of the Appellate Court, who resigned his judgeship to accept the place, and Walter A. Shaw, of Chicago, an engineer and a

man of the highest attainments in his profession. He was the same Mr. Shaw who had been recommended to me for appointment as Commissioner of Public Works of the City of Chicago by Joseph Medill Patterson. For the two minority places on the Utilities Commission I appointed former Governor Richard Yates, a clean capable and upright Republican, and Frank H. Funk, who had been my vigorous opponent on the Progressive ticket for election as governor.

Prior to my election as governor there were many serious complaints of extortionate charges and inefficient service made by publicly owned utility companies. Under my administration as governor the State Public Utilities Commission accomplished much, in the regulation of utility rates in various municipalities. There was a large saving to consumers through orders entered by the commission, conferences between the utilities and the commission relative to reasonable rates and adjustments between utilities and municipalities (in which the commission acted as arbitrator) resulting in an estimated annual saving to consumers of many million dollars. The commission prescribed rules and regulations establishing standards of service for gas, electric, water and telephone utilities, and maintained a service department. Uniform system of accounts as prescribed by the Interstate Commerce Commission for common carriers were adopted by the commission. The commission prescribed and issued uniform systems of accounts for telephone, gas, electric, water, steam and hot water heating companies. At the inception of the commission a large majority of the rates and practices of the various utilities were discriminatory which feature was eliminated and all consumers given service on an equal basis. In addition to the vast sum of money saved to the public by the State Public Utilities Commission, the public enormously benefited throughout the state by improved service on the part of the various utilities, by the further safeguarding of life and limb of not only the public, but the employes of the various utilities as well, and by affording quick relief to the public in all matters under the jurisdiction of the commission.

In my biennial message to the Forty-ninth General Assembly I once more recommended to that body the granting of home

rule to Chicago in the matter of the control and supervision of its public utilities but the General Assembly again failed to follow my recommendations.

Supplementing in a way the act creating the State Public Utilities Act was the passage upon my recommendation by the Legislature in 1913 of the *public ownership act in which cities were given the right to own or operate public utilities and to acquire or dispose of them in order that adequate service might be secured for the people.*

I considered the passage of the latter act one of the greatest accomplishments of my administration as governor and took pleasure in recollecting that when mayor of Chicago my advocacy of municipal ownership of public utilities was believed by many people to be chimerical, but after all the years during which public thought had adjusted itself to economic laws bearing upon the relation between the utility companies and the public, I experienced the greatest pleasure as governor in affixing my signature to the bill which created the law and gave to the municipalities of the state powers of the tremendous value of the people.

In another vital matter also the General Assembly followed my recommendation. The improvement of highways in Illinois had been shamefully neglected and one of the most crying needs of the state at the beginning of my administration was good roads.

During my campaign for governor, I had made an automobile tour of downstate counties and was surprised at the almost impassable condition of many of the roads.

They were little better than I had known them as a boy fifty years before. The problem was stupendous but the solution none the less necessary. Accordingly at the very beginning I took up earnestly the question of road improvement to make the highways of Illinois passable in all seasons of the year.

"A matter touching vitally," I said to the General Assembly in my inaugural message, "the agricultural, commercial, educational, social, religious and economic welfare of Illinois, and involving the conservation of natural resources is the question

of good roads. In the improvement of public highways Illinois has been backward.

"Reports of the Federal Department of Agriculture show that about 10 per cent of the 95,000 miles of Illinois roads are improved in a permanent manner, as against 38 per cent in the neighboring State of Indiana, 20 per cent in Wisconsin, 20 per cent in Kentucky, 28 per cent in Ohio and 50 per cent in Massachusetts. Considered from the standpoint of improved roads, Illinois is the twenty-fourth in the list of states.

"Bad roads contribute to the unattractiveness, the isolation and the monotony of country life that are responsible for the desertion of rural pursuits, especially by the young. Experts in mental ailments agree that women in remote sections are the chief sufferers from the restriction of communication and social intercourse, which bad roads impose.

"I recommend for your consideration legislation which will promote the efficiency and economy of the administration of the road system of the State. This legislation, I believe, should incorporate provisions for State cooperation with counties and townships in the construction of main highways and bridges; and the proper maintenance of all roads after they are built; for the compulsory dragging of all dirt roads, and for the use of the State automobile tax as a nucleus of a fund for such State aid."

The Forty-eighth General Assembly pursuant to that recommendation placed upon the statute books a law which afforded a scheme of state aid and provided for cooperation between the state and counties in such a way as to encourage and develop road building in Illinois. The local communities had already reached a full realization that they were wasting money in a piecemeal and inadequate scheme of road development. Upon the Tice Road Law becoming effective in 1913 the State Highway Commission of three members was appointed by me as provided in the act. A. D. Gash, a prominent Chicago attorney, a man much interested in the good roads problem, became its president. The work of this commission stands as a monument of efficiency to the memory of each of the commissioners.

Mr. Gash puts it thusly: "Our State aid roads stand as a testimonial to the unswerving support given to our commission by our greatest good roads' governor."

The State Highway Department under that act was thoroughly reorganized. The state was made the unit and upon it placed the responsibility of building and repairing a complete system of public highways in Illinois. It laid out roads to constitute the state road system of the entire state. These state aid roads connected all the principal trading points of the state with one another extending throughout the length and breadth of all the counties of the state. It provided a system which when completed would be one of the most comprehensive system of roads in any like community in the world—such a system so that when once constructed there would not be a home in the State of Illinois farther than four and a half miles from a state aid road.

I think I may be pardoned for saying that it was under my administration that the matter of good roads got its first real start in Illinois and formed the nucleus of the present excellent system of good roads throughout the state that we have today. The effective work done in road building while I was governor was effectively continued and developed by my successors in office, Governor Lowden and Governor Small. These gentlemen not only secured legislation increasing the volume of bonds issued by the state for road building, but energetically pressed the construction of the same throughout the state. Under Governor Small's administration particularly, an enormous amount of road building was done, both efficiently and economically.

During my administration as governor was passed a most important law known as the "Compensation Law for Accidental Injuries" suffered by employees in the course of their employment.

Under the old common law employees could sue and recover for injuries received in their course of his employment if their injuries resulted from the negligent acts or omissions of the employer. Unless the employee could prove such negligent act or omission on the part of the employer he could recover nothing for his injuries. The employer could prove as a defense,

that the injury suffered was caused by a fellow employee, or that the plaintiff was himself negligent and contributed to the injury, or that the employment was known to the employee to be hazardous at the time he entered the employment and that he assumed the hazard.

In modern times it was found that the admission of these defenses in evidence, when men were engaged in work requiring the use of modern machinery and the employment of thousands of fellow employees destroyed in most cases any chance of recovering compensation for injuries suffered in modern employment and threw the whole burden of loss upon the injured workingman.

In many employments there was necessarily great liability of injury from the nature of the employment itself. The trend of modern thought has been to place the burdens arising from extra hazardous employment on the system of employment and not upon the unfortunate man who suffered as the result of the intrinsically hazardous nature of the work. An attempt had been made to bring this about by legislation in Illinois in 1911, but the law was found to be ineffective. In 1913 the Legislature passed a humane and effective law which in substance declared that every employee in certain occupations, if injured in the prosecution of the work, should be entitled to recover compensation for death or injury ranging from a minimum of \$1,650 to a maximum of \$3,750.

These occupations were, employees of state, city and county institutions, hospitals and charitable institutions, those engaged in the erection or destruction of buildings, transportation, mining, electrical work and work requiring the use of explosives. This law has had the effect of avoiding hundreds of cases for personal injuries which would have been cluttering up the calendars of the courts and in securing for injured workingmen, quick if not large, amounts in compensation for injuries suffered in hazardous occupations.

I also recommended to the State Legislature the complete reorganization of the Free Employment offices of the state. The Legislature following my recommendation, these offices thereafter became of real service to the people.

Prior to that time the offices, particularly in Chicago, were poorly located in unclean quarters, without business methods, discipline, or efficiency in performing the functions intended by the law creating the offices. Absolutely no cooperation or coordination existed between the different branches or offices. But the old order was changed. Where formerly there were three separate offices in Chicago widely separated, there was created in their stead one central office located within a few blocks of the business district. Separate departments were provided for the various classes of labor and these were operated on the basis of efficiency and up-to-date business methods. Particular attention was given to the female branch of the office. Competent women, experienced in this work were employed, resulting in a revolution of the public employment work of the state. There was absolute harmony between all of the state's offices which were directed by the secretary of the Bureau of Labor Statistics at Springfield. The work became so systematized that anyone seeking help or employment in any part of the state was practically assured of employment of some kind.

A General Advisory Board of the Illinois Free Employment offices was created by an act of the Forty-ninth General Assembly for the following purposes: To investigate and cooperate with the secretary of the Bureau of Labor Statistics and the superintendent of the State Employment offices in promoting the efficiency and increasing the usefulness of the employment offices; to investigate the causes of unemployment and remedies therefor; to cooperate with commissions of other states and federal and municipal bodies and in organizing local advisory boards in connection with the several free employment offices of the state.

Since the organization of the Advisory Board it has cooperated with the State Bureau of Labor and the superintendents of the Free Employment offices and so effective was its work, that in the Chicago Free Employment office alone a remarkable gain was effected in placing applicants for positions. The placements increased from 2,125 in October, 1915, to 8,550 in September, 1916, and a total of 66,536 placements

in the year is shown, a record which had no parallel or comparison up to that time in the history of the state.

The Advisory Board investigated the cause and remedies for unemployment by consulting such sources as were accessible without cost, there being no funds available for original investigation. It encouraged its auxiliary bodies to make studies of unemployment and made a special investigation of the sources of public employment with a view of ascertaining, whether, and how far, public work could be made available for remedying the defects caused by the shrinkage of employment during periods of industrial depression, a question which in recent time has been taken up by no less a person than President Hoover.

The board organized local advisory boards in each city having a free employment office, viz.: Chicago, Rockford, Peoria, Rock Island, Springfield and East Saint Louis. The board with the secretary of the Bureau of Labor Statistics visited each of these cities in a body and personally interviewed the members of the local advisory boards and held public meetings in those cities, thus creating public interest in the work of the free employment offices.

At the start of my administration and for the first time in the history of the state a genuine union labor man was appointed as State Factory Inspector. In Oscar F. Nelson, now a very energetic and able alderman of the City of Chicago, I found an able executive, a good organizer and a man of high ideals for this important position.

The Department of Factory Inspection under Alderman Nelson's direction was completely reorganized and the signal benefits resulting from such reorganization were manifest in the wholesome respect evident for the state laws with the enforcement of which this department was concerned. The policy of the department as reorganized was to bring about compliance with the law. Some prosecutions were necessary and those were beneficial in impressing the necessity of obedience to the law. Much was accomplished by a painstaking supervision of child labor conditions.

The Warehouse Law, which I approved, effective July 1, 1913, was one of the most beneficial laws ever enacted in the

interest of wage earners of the state. Under this law the Factory Inspection Department brought about the installation of over \$3,000,000 worth of washing facilities and undoubtedly appreciably raised the standard of health in the factories of the state.

Other legislation in the interest of the wage earners approved by me included the following:

The creation of wage loan corporations, an act permitting the organization of corporations to make loans, secured by assignment of wages, and protecting the borrower at every point.

Wash rooms for employes in certain industries, such as coal mines, steel mills, factories, machine shops, where men and women become covered with grease, dust, grime and perspiration to such an extent as to endanger their health.

Protection for chauffeurs, requiring shields or hoods to protect them from wind, dust and inclement weather.

Revision of the mine examining board law, the object being to provide more safety for persons employed in and about coal mines.

Amendment to the shot-firers law, which amendment defined a "dead hole" and materially safeguards the life and limb of the miner.

An act requiring that all explosives used in coal mines, be stamped to show that they conform with the standards of the United State Bureau of Mines. Such explosives must be stored in magazines approved by the State Mine Inspector.

Amendment to fire fighting and rescue station act which provided for the employment of two extra assistants instead of one on each mine rescue car.

Amendment to the act of 1911, providing for fire fighting equipment in coal mines. This act required a larger equipment than the original act.

The law creating a mining investigation commission to investigate methods and conditions of mining coal, the safety of lives and property and the conservation of coal deposits.

Revision of the Act of 1911 in relation to coal mines, by providing more frequent and more thorough inspection of mines

and many additional safeguards for the protection of life, health and limb.

An act, amending the law, providing for inspection of equipment and operation of safety appliances on railroads. This act provided for thorough inspection of the surface and track conditions, and train yards, and of the sanitary condition of passenger coaches and investigation of train accidents.

Semimonthly payments of wages and salaries by persons, firms, corporations, and municipalities.

A law limiting members of fire departments of cities and villages to ten consecutive hours in a day and fourteen consecutive hours at night.

An act requiring railroad corporations to equip all passenger locomotives with headlights of sufficient candlepower to enable the engineer to discern an object the size of a man on the track, at a distance of eight hundred feet from the headlight; and requiring all freight locomotives (exclusive of those in switching and transfer service), to be equipped with a headlight of sufficient candlepower to enable the engineer to discern an object the size of a man upon the track at a distance of four hundred-fifty feet from the headlight.

One of the milestones in the matter of equal rights between the sexes was the passage under my administration of the *Woman's Suffrage Act*, granting to the women the right to vote upon all statutory offices and questions of public policy. Illinois was the first of the *great* states to take this step. For many years I had been an earnest advocate of woman suffrage. After the bill passed the General Assembly, I was importuned in many directions to exercise my veto power; but it gave me great pleasure to sign this bill and crystallize into law this decided and remarkable step forward in behalf of the womanhood of the state.

The Forty-eighth General Assembly also early in my administration, upon my recommendation, created a commission known as the Efficiency and Economy Commission to study the functions of the various boards, bureaus, commissions and departments of the state government and to recommend changes and consolidations that would tend to promote efficiency and econ-

omy. Senator Walter I. Manny of Mount Sterling, Illinois, a Democrat, was chairman of the commission, and Senator Logan Hay, a Republican, one of its most efficient members. This commission made a thorough and comprehensive study and published the results of its deliberations in a volume which I believe had no equal in any state as a treatise on efficient and economical state government. It recommended that the great number of miscellaneous and uncorrelated boards, bureaus, commissions and departments under the jurisdiction of the governor, be consolidated into a very few principal departments, the head of each of the new departments to be appointed by the governor and responsible to him for its proper administration. I heartily commended the report of the commission to the Forty-ninth General Assembly and at my instance bills were prepared and introduced in the General Assembly to carry out the recommendations of the efficiency and economy commission. However, but two such bills were passed, one providing for a state superintendent of printing and the other for a system of uniform state reports.

It was in the Fiftieth General Assembly under Governor Lowden's administration that the so-called State Administrative code was enacted, which embodied most of the recommendations of the Efficiency and Economy Commission. However, it was upon my recommendation as governor to the Forty-eighth General Assembly that the investigations looking toward retrenchment of expenditures and consolidation of the state departments were instituted. I had earnestly commended the report of the commission to the Forty-ninth General Assembly, but at that time my term as governor was half over, the Legislature was Republican, the patronage at the disposal of the governor had been distributed and I was unable to obtain the necessary legislative action to crystallize into law the report of the commission. Governor Lowden was more successful as he wisely deferred making his appointments to office until the administrative code was enacted into law by the Legislature.

Another piece of genuine legislation which was enacted by the Forty-eighth General Assembly on my recommendation was the establishment of the Legislative Reference Bureau to be

composed of the chairmen of the Appropriation and Judiciary committees of both houses with the governor as chairman. The purpose of this bureau was to furnish reliable information on legislative subjects and to have the benefit of expert and trained assistance in legislative formulation.

Four principal functions were assigned to the bureau, viz.: to collect data on all economic and sociological subjects from federal, state and municipal reports, proceedings of civic bodies, special correspondence, magazine articles, newspaper clippings, etc.

To digest, classify, catalogue and index bills presented in the Legislature; also to prepare comparative analysis from other states so as to afford to the General Assembly of Illinois information concerning legislative activity throughout the country.

To prepare a budget to be submitted to each General Assembly when it convenes, and prepared according to classification submitted by the bureau, and the matter assembled and printed so as to afford every member of the General Assembly full and complete information as to the State's fiscal requirements.

To afford members of the General Assembly upon their request such information and assistance as may be practicable in the preparation of bills, memorials, resolutions, etc.

The Legislative Reference Bureau, under my administration, compiled many valuable studies and printed a number of pamphlets, all of which were highly commended. When the Forty-ninth General Assembly convened in 1915 during my term as governor, there was presented to it, for the first time in the history of the state a comprehensive, scientific state budget.

The Senate of the Forty-ninth General Assembly passed a commendatory resolution expressing appreciation for the satisfactory work of the bureau. The press, bar associations, civic bureaus, etc., praised the bureau and were practically unanimous in saying that its establishment had been a step forward and a decided advantage not only to the Legislature, but to the public as well.

When I entered office I found the condition of the Fish and Game activities of the state, which were then conducted as two entirely separate entities, to be inefficient, wasteful and extrav-

agent. I at once directed the State Civil Service Commission to make a thorough investigation of both departments and upon receipt of its report, I recommended to the General Assembly the consolidation of the two departments into one and the passage of legislation looking to conservation of commercial fishing, as well as for the protection of the interests of sportsmen.

The Legislature then upon my recommendation passed a law consolidating the Fish Department and Game Department and created the Game and Fish Conservation Department in the interest of the public and the sportsmen.

The most important conservation work in the care of this department related to the fishing industry of the state. Our lakes and streams furnished an enormous supply of excellent and cheap food. Since it was available for all who came to take it, strict regulation was required to prevent the wholesale destruction by wasteful methods of this common property. The problem of protecting the natural supply and increasing it through scientific propagation was undertaken in an effective manner by the commission. Large quantities of fry and fingerlings were placed in the waters of the state and permanent ponds and hatcheries were provided for the continuation and extension of the work. The consolidation of the former fish and game departments of the state on my recommendation gave substantial proof of the wisdom of combining independent state agencies which handles work that is closely related.

Worthy of special mention also was the practical elimination of the corrupt lobby at Springfield. Our legislative halls during my term as governor were probably more free from these sinister influences than at any time in the history of the state. To be of some constructive aid in this particular, I sent a message to the General Assembly urging upon that body, that no one, not a member of the General Assembly should be admitted to the floor of either house or the committee rooms or cloak rooms or corridors adjacent to the legislative chamber for the purpose of advocating, opposing or amending any bill unless such person should first register his name and address with the secretary of state.

"One great embarrassment," I stated in my message to the General Assembly, "attendant upon the honest effort of a state Legislature to give to the people remedial legislation has been the insidious influence of the corrupt lobbyist.

"Always the servile hireling of the concealed master, he sits near the seats of the members and in the committee rooms during the sessions of the committees and endeavors to poison at its source what would otherwise be the honestly expressed will of the people's representatives.

"It has been said in the past that Illinois was not free from this scourge.

"I have proposed several remedial measures to the present Legislature and many other meritorious measures will be considered during the session. We should not sit quietly by and permit bills, designed to give relief to the people, to be changed, modified, rendered impotent or nullified by the machinations of undisclosed persons and influence, if it is in our power to prevent it.

"Such persons and influences should come out in the open and show their colors, where all men can see them and know for what they stand. Honest men and measures will announce themselves and be welcome, but the subsidized and professional lobbyist, intent on defeating the will of the people by endeavoring to corrupt the weak and to circumvent the strong, should be driven from the Statehouse.

"In my judgment, no one, not a member of this General Assembly, should be admitted to the floor of either house or the committee rooms thereof, the cloak rooms, the corridors or any other part of the Statehouse adjacent to the legislative chambers, for the purpose of advocating, amending or opposing any bill, resolution or measure, pending in either house of the General Assembly, unless such person shall first register his name and address with the secretary of state and the secretary and clerk of each house of the General Assembly.

"Such person, in addition to his name and address, should be required to certify in writing if he is employed by any person, firm or corporation; and if so, the name and address of each employer, and what compensation he has received or is to re-

ceive, if any. He should further be required to state in writing the bills, acts, measures or resolutions he is interested in and what the nature of his interest may be. Such registration and other information should be spread upon the records of the House or Senate and publish in the Journal of its proceedings, and no person, not a member of either house of the General Assembly and not so registered, should be permitted to discuss any measure, bill, act or resolution so pending before any committee or with any members of either House. In any resolution covering this matter that is adopted by either house, however, nothing therein contained should apply to any person or persons invited by either house or any committee thereof to appear before such house or any of its committees for the purpose of furnishing information or data desired by either house or any such committees, on any matters pending before either house or any of its committees, provided the name and address of any such person, so invited and appearing before any committee of either house, shall be reported to the clerk (or secretary) of either house by the chairman of such committees and published in the daily Journal of its proceedings.

"Neither should any resolution adopted by either house concerning this matter apply to any state officer or department head appearing before the various committees, relative to the work of their departments."

While much of the legislation which I deemed necessary for the public welfare and urged upon the State Legislature was enacted into law, yet some very notable measures which I recommended to the General Assembly failed of adoption.

Probably the most important was the initiative and referendum. It had been one of the main planks in the Democratic platform upon which I had been elected governor. Consequently, in my inaugural message I emphasized the fact to the General Assembly that under our state constitution the inherent right of all self-governing people to initiate and veto laws was not reserved to and by the people of Illinois.

"For more than eight years," I continued in that message, "the people of this state following precedents set by other republics and fourteen sister states of the American Union have been

insistently demanding the right to legislate directly for themselves by the initiative and the right to veto legislation passed by the Legislature contrary to the wishes of the people by the referendum. Twice within the last eight years the people of Illinois by overwhelming votes at the ballot box, in the ratio of about five to one, have manifested an urgent demand for this great reform. Their demand is insistent and just, and has been too long denied.

“With the control given to the people over legislation by the possession of the initiative and referendum corruption in the Legislature would, practically, be eliminated and all laws finally enacted either by the Legislature or by direct vote of the people would truly express the will of the people.

“This control of the law making power by the people themselves can only be secured by amending Article IV of the Constitution so as to give to the people the right by popular petition to originate legislation under the initiative and to veto legislation by the referendum.

“I would respectfully recommend, therefore, at this session of the Legislature that the necessary legislative steps be taken to amend Article IV of the Constitution so as to secure the right of direct legislation by the people themselves upon a petition of eight per centum of the voters voting at the last general election; and to secure the right of veto in the people by requiring submission to the people of any law or laws passed by the Legislature for their approval or disapproval upon the filing of a petition of five per centum of the voters voting at the last general election.”

I often asserted to members of the Legislature with whom I came in contact the soundness of this measure. Finally the joint resolution providing for the submission to the people of an amendment to the constitution embodying this reform passed the senate by an almost unanimous vote and I thought the fight had been won.

On May 2, 1913, in a public statement to the people of the state I reported progress upon the matter and expressed the hope that the House would follow the example of the Senate and also pass the resolution without undue delay.

"The resolution providing for the initiative and referendum," I advised the public, "has already passed the Senate and has been reported for passage by the Judiciary Committee of the House."

"In my campaign for governor, the initiative and referendum was urged by me as one of the most vital and pressing issues of the campaign, and, in my judgment, my plurality of approximately 125,000, was largely the result of the persistency with which I pledged myself in favor of the adoption of this great reform. In the late gubernatorial campaign, the initiative and referendum was one of the main planks in the platform of the Democratic party. My vote for governor was 443,120. Likewise it was one of the main planks in the platform of the Progressive party. Mr. Funk, the Progressive party's candidate for governor, received 303,401 votes. It was a plank in the platform of every party except the Republican, and it was a plank in the platform of the Republican party four years ago.

"In the late election the Republican candidate for governor, Charles S. Deneen, received 318,469 votes. The other candidates for governor in the same campaign, who urged the adoption of the initiative and referendum, received a total of 844,411 votes. The candidate for governor who did not urge the adoption of the initiative and referendum received only 318,469. These figures speak for themselves.

"The people have demonstrated, in no uncertain terms, three times at the ballot box, that they desire this reform crystallized into law"

"The Senate has done its duty and passed the resolution for this measure by an almost unanimous vote. The matter has been reported favorably in the House of Representatives by the Judiciary Committee. Within the next few days, the House of Representatives will vote upon the measure. I believe all friends of good government in the House of Representatives, all those who believe in the right of the people to rule, all those who believe in respecting the will of the people, as expressed at the ballot box, will vote for the resolution now pending, that the measure most strongly advocated by this administration and, through the advocacy of which, the gov-

error of this state rolled up such a significant plurality, may be enacted into law.

"Ohio adopted this great reform in its constitution, adopted last year. Let the State of Illinois, at the thrice-expressed mandate of the people, do the same at this session of the Legislature. Let us be loyal to the will of the people expressed at the polls."

The House of Representatives was to vote upon the question on June 5, 1913. As it contemplated an amendment to the constitution it required 102 votes in the House or a two-thirds vote of the elected membership thereof. I therefore in a special message to the House of Representatives on the latter date, made a last-minute appeal to that body to obey the mandate of the people and pass the resolution.

"In my candidacy for governor," I stated in the message, "I sought election upon a declaration of principles, among which the initiative and referendum was the most vital and important part.

"A very great majority of your Honorable Body, as well as myself, were elected upon the pledge that we would incorporate such an amendment into the constitution of this state.

"The question of the adoption of the resolution providing for the initiative and referendum comes up today before your Honorable Body. If adopted by your vote, the proposed amendment to the constitution is again submitted to our constituents—the people of this state—for their final acceptance or rejection.

"In view of the thrice-recorded vote of the people at the polls in favor of the principles of the initiative and referendum I respectfully, but earnestly, submit that we ought to obey the expressed will of the people and adopt the resolution providing for this great reform.

"Thus we will place it within the power of the people finally to adopt or reject this proposed amendment to the constitution and thus we will redeem the pledges we have made to the people."

When at length the roll in the House of Representatives was called upon the measure of the situation became dramatic in the extreme. Upon the conclusion of the roll call it was found that

the resolution had received exactly the necessary 102 votes required for its passage. A verification of the roll was demanded. Whereupon Representative Kilens, a Democrat from Chicago, changed his vote from aye to no, thereby repudiating his party pledges and voting against the mandate of the people of the state and of his own district, and securing for himself a shameful and unenviable record in the history of Illinois. His conduct staggered the members of the House who believed in representative government, and thus, through the faithless act of one inconsequential member of the House of Representatives the resolution providing for the initiative and referendum was lost and thereby were paralyzed the efforts of thousands of good citizens who labored for years to bring about this great reform.

While it was the lower house of the General Assembly that frustrated the will of the people in its failure to enact the initiative and referendum, it had its complement in the upper house when that body failed to enact a measure of almost equal importance. In my inaugural message I had laid a great deal of stress upon the necessity of the passage of legislation looking toward revenue reform. For years many of the great corporations of the state had been enjoying undue favoritism in the matter of taxation owing to maladministration of the law by the local assessment officers throughout the state and particularly by the State Board of Equalization. That body was charged by law with the duty of assessing fairly and justly property of certain corporations. It had signally failed in its duty. The corporations had been unduly favored at the expense of the people.

Experience had shown that the State Board of Equalization was unscientifically constituted and unfairly administered. It was a departmental fiasco, and its work farcical. It was unwieldy in numbers, intermittent in its labors, and secretive in its methods. I recommended to the General Assembly that it be abolished, and that in its place should be created a tax court, or commission, composed of five members of approved intelligence and information, appointed by the executive, with the approval of the Senate, for a term of years that should remain in continuous session the entire year and record all its acts and

findings from day to day. Such a tax commission I recommended should be given all the powers committed to the State Board of Equalization, and, in addition thereto, should have general supervision of the administration of the assessment and tax laws of the state; invested with power to advise and instruct local assessors, prescribe forms for assessment returns and reports, require returns, schedules and other information, under oath, from individuals and corporations, appoint special assessors, expert examiners and accountants, direct reassessments in case of defective assessment, hear appeal and complaints, investigate on its own initiative the administration of all tax and revenue laws, examine into the tax methods of other states, and recommend to the Legislature any and all amendments to the revenue laws of the state, which would make for a fair and equitable distribution of the burdens of taxation between the people and corporation of the commonwealth.

Such a compact body, clothed with such power, I concluded, would be more efficient in action, more responsive to the public demand for equitable taxation, and more easily and directly held responsible for any errors and mistakes which might be made than was the cumbersome and constantly changing elective body called the Board of Equalization.

Representative Michael L. Igoe, a Democrat, was then serving his first term in the General Assembly. Able, aggressive and industrious, though then without previous legislative experience, he made a valiant fight in the House for the adoption of the bill to abolish the State Board of Equalization and the substitution therefor of a State Tax Commission. After a stormy battle the bill was adopted by the House. But when it reached the Senate it was immediately referred to a graveyard committee where it became a corpse. Almost immediately after I left office, however, the Legislature on Governor Lowden's recommendation passed the act abolishing the State Board of Equalization and substituting in its stead a tax commission along the identical lines which I had recommended in my message to the Forty-eighth General Assembly.

Another measure absolutely vital to the cause of true representative government which I recommended to the Legislature,

and which fell by the wayside, was the redistricting of the state into new senatorial and congressional districts as required by the new constitution.

The constitution required the General Assembly to apportion the state every ten years beginning with the year 1871 into fifty-one senatorial districts, each of which should elect one senator and three representatives according to the Federal census. The last senatorial reapportionment had been made in Illinois in 1901. Another should have been made in 1911 but from that day to the present time no reapportionment has been made. This is, of course, a bold defiance of the provisions of the constitution, but as our Supreme Court has held that the Legislature cannot be required by mandamus to perform its duty, the reapportionment would simply have to wait until exasperated public opinion would become so strong as to drive it through the Legislature, or some governor is elected upon the distinct pledge that a reapportionment law must take precedence over all legislation and that until such a law is passed he will veto all other legislation.

In a message to the Legislature I called their attention to the section of the constitution requiring such reapportionment, that such reapportionment had not been made since 1901 and recommended the passage of a reapportionment law in compliance with the constitution. I regret to say, the Legislature did not comply with my recommendation in this respect.

Other measures which I recommended also failed of enactment including among others the enactment of a corrupt practices act; an act making the breaking of a written political pledge by a public official a felony; an act requiring the establishment of reasonable rates for fire insurance and preventing fire insurance companies from organizing a monopoly; an act abolishing capital punishment in Illinois; and an act providing for a shorter ballot and reducing the cost of elections.

In my inaugural message to the Forty-eighth General Assembly I recommended the consolidation of the three separate and distinct park boards in the City of Chicago, the West Park Board, Lincoln Park Board and South Park Board. I knew the consolidation of these three unrelated and uncoordinated

agencies would make for efficiency and economy. The Forty-eighth General Assembly followed my recommendation and passed a law consolidating these governmental functions but I was compelled to veto it as the attorney general of the state advised me that the bill in the form in which it passed the Legislature was clearly unconstitutional.

Therefore in my biennial message to the Forty-ninth General Assembly in 1915 I again recommended that another and a valid act be passed consolidating these park boards. Such a bill was again passed consolidating the park system of Chicago and placing them under the control of the municipal government of Chicago. This bill I approved. It provided, however, for a referendum vote and was defeated by the people at the polls. The Lincoln Park and West Park systems therefore continued to operate under the jurisdiction of the governor.

I saw to it during all of my administration by the appointment of the highest type of men obtainable that the park systems under my jurisdiction were maintained by a high state of efficiency. They were managed as they should have been in the interest of those who made use of them. I insisted that the civil service law be honestly and fairly administered in both systems under my jurisdiction and I absolutely declined to permit spoils politics to enter into the operation of these great playgrounds of the people.

Probably the administrative aim I strove for most during my term as governor was the humanization of the great charitable institutions of the state. Upon them a greater portion of our revenue was expended than on any other single object except public education, and in their conduct I, from the first, insisted upon efficiency, economy, development and progress.

One of the first appointments made by me as governor was that of Hon. Fred J. Kern of Belleville as chairman of the State Board of Administration which then had charge of the charitable institutions of the state. He was a great administrator, a tireless worker, of sympathetic mind and heart, and one of the ablest men that I encountered in all my experience with governmental activities in the state.

Under his administration there was an enlargement of the number of charitable institutions as well as their functions. These institutions also were revolutionized along humanitarian lines. We saw to it, that they were no longer mere places of detention of our anti-social and dependent elements. They became great laboratories, in which to study the causes of crime, insanity, dependency, delinquency, and feeble-mindedness; and to deduce from them those preventive remedies which might tend to relieve us of some of those unfortunate burdens. Science of the highest order was given a place to work, and the state encouraged every effort and every idea, that had up to that time been put forth along curative and preventive lines.

Everything possible within human power was done for the unfortunate wards of the state to make them more comfortable and to minister to all of their wants and needs, and to give them the best of custodial care.

Mechanical restraint, medical restraint, corporal punishment, other forms of brutal and degrading penalization, solitary confinement, seclusion, the so-called bull pens, rewards for the recapture of fugitive children, mistreatment and abuse of patients, all discourtesy and coarseness in addressing them and all other relics of barbarism were abolished in Illinois. The straight jacket, the muff, the Utica bed and all other mechanical devices, used in the past to restrain and torture the insane and feeble minded, were thrown into the scrap heap.

Constant supervision by patient and forbearing nurses, trained and under orders to refrain from violence, was substituted for these relics of inhumanity and ignorance. This was successfully brought about by placing the nurses upon an eight-hour day with one day's rest in seven. Both patient and nurse were immeasurably benefited by same but the patient more than the nurse. Liberty was substituted for restraint. Humanity took the place of cruelty.

The "Keep Out" and the "Keep Off the Grass" and "Visiting Hours" signs directed against the public were removed. The sunlight of perfect publicity was invited and courted. All daylight hours became visiting hours. The institutions belonged to the people and should be freely accessible to the people. Noth-

ing was tolerated in the institutions that called for apology or needed to hide in shame.

The inmate population of the charitable institutions at that time, embracing twenty-one different institutions, approximated 24,000 souls and was on the increase. The institutions were in charge of 3,500 experienced, faithful and efficient men and women employes.

Among the notable institutions was the Charitable Eye and Ear Infirmary, located in the City of Chicago, at which at that time more than 75,000 people a year sought relief from their afflictions, and received free treatment by trained experts of the highest order.

Under my administration the state was engaged in building two entirely new institutions, the Alton State Hospital and the Colony for Epileptics at Dixon which I had recommended in my inaugural message. Many new buildings were added at all of the old institutions and the great evil of patients being compelled to sleep on the floor for want of more humane accommodations had been effectually ended.

We built splendid institutions for the custodial care of our patients. The sites selected were among the best that the geography of the state afforded and they were splendidly adapted to the uses to which they were put.

The buildings in all departments, infirmaries, hospitals, schools, cottages, power houses and kitchens and dining rooms, were made models of the development of modern art and architecture, surrounded by vast velvety lawns and hidden behind the foliage of trees and vines and flowers and shrubbery. The institutions were made into splendid homes which the state provided for the custody of the sick, the distressed and the afflicted.

I thought then, as I think now, that everything possible should be done to prevent the poverty and the diseases and the contributing causes which furnish the recruits to the state eleemosynary institutions. In the light of science and with our splendid and unsurpassed facilities for research work and for medical efficiency, I felt we ought to return a greater number of our patients to society as restored and cured. Our institu-

tions even at that time were not only growing too numerous, but they were growing too large.

It would be better, I thought, to spend thousands of dollars for the stamping out of preventable disease, than to consume millions in giving custodial care to the victims after the harm has been done, and after the awful infection has gotten in its deadly work.

At the conclusion of my term as governor, the great progressive State of Illinois led the onward march of humanitarian treatment of the sick and disabled. In my humble judgment it took first place among all in the efficiency of its charitable and eleemosynary systems. They were the brightest jewels in the state's bright crown and I turned them over to my successor as governor with unmixed and undisguised pride, and satisfaction in the progress and advancement in their management and conduct which was made during the brief four years of my administration as governor.

A great deal of what has been said regarding the conduct of the charitable institutions applied as well to the conduct of the penal institutions under my administration as governor.

I endeavored that Illinois should keep abreast of the progress of civilization and enlightenment with respect to penology.

In my experience as a judge on the bench I had been given an insight into the workings of our criminal laws which created within me sincere pity, for the man who had gone wrong, and an earnest desire that the punishment inflicted by the state should not needlessly degrade him and rob him of all ambition; but rather should assist and lend encouragement in his efforts toward rehabilitation. To this end, I lent my influence in the prison administration of the state, to the introduction of more humane methods of dealing with offenders and the establishment, as far as found practical, of the honor system.

It was my constant effort, and I think I succeeded, to exemplify in the fullest degree the principles embodied in our constitutions of 1818 and 1848, that "the true design of all punishments is to reform not to exterminate mankind." Conviction and confinement, I concluded, are great punishments in themselves and humane regulations in our penal institutions

were in decency demanded, and were enforced during my administration.

While the law wisely provided for penal institutions, it did not demand vengeance, against offenders confined therein. Inmates of these institutions were separated from society for the protection of society, and were to be retained in custody until such time, as they proved themselves fit to again live in society without being a menace to it. While so detained it seemed to me to be the duty of the state to do all it could, to help fit them for their reentrance into society and that was my aim as governor.

I approved an act passed by the Forty-ninth General Assembly which provided that prisoners sentenced to life imprisonment or for a definite term longer than twenty years might be paroled in the same manner as prisoners otherwise sentenced. Some doubt was expressed as to the advisability of this law; but after it went into effect, and up to the time I retired from the office of governor, paroles were granted under it to twenty-seven convicts, and not a single paroled man violated his parole.

In the State Penitentiary at Joliet, our largest penal institution, in the Southern Illinois Penitentiary at Chester and in the State Reformatory at Pontiac, the most advanced methods in penology were put into effect.

Changes in the Management of Reformatories.

There was a complete change of attitude toward the minor inmates of the reformatory at Pontiac. The system of paroles for these boys was inaugurated under which nearly 90 per cent of the inmates paroled made their parole, and a large per cent of those considered beyond redemption under the old system, responded to proper kindly treatment and have absolutely reformed.

The right of interview was made universal. Any inmate of the institution might see the superintendent with regard to any matter pertaining to his welfare. He might write a letter to the superintendent or any member of the board of managers at will. Nearly 10,000 different interviews were held by the super-

intendent with the boy inmates during my administration, most of which were merely recitals of troubles or confidential expressions. Through this means the ideas and attitude of the boys and young men were modified and improved greatly.

The silence system was abolished. This system had driven more men insane during their confinement than any one thing in prison life. It crushed the hope of the youth. Made him sour at society and the state. Inmates were permitted, in a gentlemanly and quiet way, to talk while at work in the shop, and to make as much noise as they wanted while on the play ground. They talked while they partook of meals. A regular period of quiet conversation in the cell houses for a limited time, was allowed but the inmates were given to understand that violent or boisterous talk would deprive them of future privileges. This plan taught the inmates to control themselves. Young men cannot be taught how to use their tongues unless they are permitted to use them.

A system of time reduction for good conduct and efficiency was inaugurated. For each month that a boy passed an efficiency test of 80 per cent or better in a school or shop he was given an extra five days off his time as fixed by the board. He was given five days off from his time for good conduct.

The task system in the chair department was abolished and the shop placed on a piece basis. An inmate could thus earn a reasonable amount of money which was placed to his credit or bank account. One-half was advanced him when he was released on parole and the balance when he completed his parole.

The dining room was provided with an orchestra platform and an inmate orchestra furnished music during meals.

High chairs and rostrums where officers sat to watch inmates were taken from every shop of the institution. Such officers were required to mingle with the inmates giving them friendly advice, to assist them in keeping the rules, and to teach them principles of self-respect and self-government.

Guards and teachers were not permitted to pass upon the guilt of those who violated the rules, or to mete out punishment. They were permitted only to make a statement in writing, showing exactly what was said or done, and the guilt or innocence

of the boy and the punishment to be given was left to the disciplinary officer to be decided upon.

Corporal punishment was not permitted. The punishments for violation of the rules consisted chiefly of depriving the boys of certain privileges granted to those who behaved themselves. This, with friendly advice, usually cured the rule-breaker. Those who would not submit to kindly advice, and those who did not appreciate the many privileges, or care for the loss of them, were segregated until they got a new vision of life.

The number of officers required to hold chapel service for these boys was reduced from twenty-two to six, simply enough to unlock the cells. The high chairs along the wall of the chapel, surrounding the boys with officers sitting in high places, were removed. Under the new system more attention was paid to the religious services and less attention to the officers. The inmate was made to feel that he was decent enough to attend religious exercise without being surrounded by guards.

Twelve companies were organized under the direction of a military director and military drills were given the boys each day with a dress parade once a week. The officers, who were inmates, together with military director, composed the athletic association of the institution. This association took charge of all games and made all arrangements for sports on holidays. Each company had a football and baseball team and they had their regular series of contests between each other.

There was a systematic recreation hour for every inmate. On Saturday afternoons, when the weather permitted, baseball games were played with outside teams, and all inmates attended with the exception of those who had forfeited their privilege by violation of the rules. One hour was permitted for recreation on Sunday morning, and one hour and forty-five minutes in the afternoon with a moving picture entertainment thereafter. The system of recreation not only greatly improved the health of the boys but had a very beneficial moral effect.

Greatly beneficial outside the walls, an honor system was of immeasurably greater value within. A system of self-government and an honor system within the institution was established and a brotherhood league with a reading room organized. In

this reading room, and through this organization, it was contemplated to complete a vocational course for the young men who would group themselves together for study each night on the studies in which they were interested. They would take up mechanical drawing, concrete construction, gasoline engines, automobiles, machine shop work, wood working, plumbing, practical electricity, sheet metal drafting, steam traction engines, structural engineering and many other subjects of interest.

Changes in the Penitentiary Rules.

In the penitentiaries at Joliet and Chester similar reforms were instituted. Recreation periods were established and repressive rules changed to extend inmates privileges which made for greater self-respect and tended to reform rather than degrade. The result of these changes fully met expectations.

One of the most important innovations inaugurated was the plan adopted for utilizing the labor of the prisoners not only for their own sake, but for the state as well. On June 28, 1913, an honor system was instituted and the State of Illinois on that day became the ninth state in the Union to adopt such a system for the purpose of utilizing the labor of men outside of the prison walls for the improvement of the public highways.

The General Assembly, moreover, passed an act, upon my recommendation, authorizing the employment of prisoners in the preparation of road building materials and in working upon the public roads. As governor, I proclaimed to the prisoners, that whosoever was employed on the public roads under the provisions of the law would have his sentence commuted one-fourth; for example, if a prisoner had one year to serve and he conducted himself properly and did satisfactory work, he would be discharged at the end of nine months, thus making one-fourth of his time.

The first road camp was started at Grand Detour, a village near Dixon, Illinois, and was called "Camp Hope." Work was commenced September 3, 1913. Fifty-one honor men were sent to this camp. A road was cut through a hill three-fourths of a mile long and one mile of grading was completed. This work was finished February 10, 1914. I did not receive from the

superintendent of the camp or from the warden of the penitentiary a single complaint against one of these honor men. No punishments, no deprivations of privileges and no censure were necessary. The men lived up to and even surpassed the expectations of the state. So well did they perform, so faithfully did they observe the rules, that a great many employers of the state centered attention upon them.

The next road camp was started April 27, 1914, at Deer Park near Ottawa, Illinois, and was called "Camp Dunne." Seventy-two honor men were sent to this camp. A deep cut was made through earth and rock and one mile of grading was completed. After this other camps were established with equally satisfactory results.

The honor system was also applied on what was called the honor farm to which there were more than one hundred more assigned.

In other respects, prison discipline was very much improved. Where formerly, solitary confinement records would average upwards of seventy-five a month, they were now practically abolished. Some of the men stated they would rather be deprived of their lives than of the outdoor recreation period which was established.

The prisoner was no longer bound by the rule of silence. He could exchange conversation with his fellow inmates, if he desired so to do. The rules as to the right of prisoners to write letters and receive visitors were greatly liberalized.

With those and many other reforms that had been introduced, it is not to be understood that there had been any relaxation of vigilance. It was appreciated that there were desperate and ruthless men among the prisoners, and such restraint as was necessary was exercised over all prisoners in order to guard against the consequences of the acts of desperate inmates.

But better than all above enumerated was the improvement in the atmosphere of the prisons. Under humane treatment the men of these institutions came to a realization that they had not forfeited all rights to decent consideration and they strove for better things. I felt that the large majority of the men

would leave the prisons, under the new standards by which they were conducted, with a firm determination to make good and restore themselves to useful citizenship.

Education.

The state's system of education during my administration as governor was extended and enlarged on a liberal basis. The growth in strength and power of the State University was very notable and a source of profound gratification to me, as this is the largest institution of higher learning supported by the state, and is destined to become one of the great universities of the world, worthy in every respect of Illinois and the nation. Its attendance increased from 5,200 in 1911-12 to 6,437 in 1915-16. The number of members in the faculty also increased from 583 to 762.

This remarkable development in the university during my administration as governor occurred, in spite of the fact that, in several departments of the university, the requirements for admission were increased and the standards of education and graduation considerably advanced. In fact the most noteworthy event in the history of the university was not its increase in attendance, though large, nor the addition to its equipment, though considerable, but in the improvement in scholarship and in the educative and scientific ideals of the institution. Its students were of all races and faiths and they found in the University of Illinois an opportunity for the development of their talents in many different directions for the benefit of the commonwealth.

The land holdings of the University were increased from 1,222 acres in 1912 to 1,732 acres in 1916, the increase being primarily in the holdings of land for the Agricultural Experiment Station and the College of Architecture.

The University also purchased in the City of Chicago a piece of land on South Wood Street for the location of its school of pharmacy and for the first time in the history of the University an adequate housing was provided for by the state for this important and growing department.

The following buildings connected with the University also were completed or largely put forward toward completion during my administration:

| | |
|--------------------------------------|-------------|
| Armory ----- | \$ 230,000 |
| Administration Building ----- | 155,000 |
| Addition to Chemistry Building ----- | 359,000 |
| Ceramics ----- | 121,000 |
| Vivarium ----- | 55,000 |
| Genetics ----- | 11,000 |
| Floriculture ----- | 85,000 |
| | <hr/> |
| | \$1,016,000 |

The future of the University of Illinois is bright. I was able to be instrumental during the four years of my administration in promoting the interests of this great institution upon broad lines, and did what I could to make it more effective to serve well the interests of the commonwealth.

The records of the several state normal schools also were one of progress and increase. They were granted by the state under my administration a million dollars for new equipment and buildings. They all enlarged their faculties, added new branches of instruction, increased their attendance and raised their standards until there was brought into being through the state normal schools and the state university an almost incomparable educational system. The state during my term as governor was exceedingly liberal with its educational institutions, and all appropriations made to them were most judiciously expended. It was a matter of some pride and much satisfaction to me to have been intimately concerned in promoting the welfare of these great educational institutions.

During my administration a great deal of building was done on behalf of the state aggregating in value \$4,500,000.

Among the most important buildings planned or supervised were the following:

The Alton State Hospital, at Alton.

The State Colony for Epileptics at Dixon.

An auditorium, power plant and service tunnels at the Southern Illinois State Normal School.

Large and important buildings at the University of Illinois.

A manual training school at the Eastern Illinois State Normal School.

School of Arts Building at the Western Illinois State Normal School.

Woman's Dormitory, remodeling of power plant at the Northern Illinois Normal School.

Power plant, Women's Residence Hall, service tunnels, remodeling old building into a library, at the Illinois State Normal University, at Normal.

Employees' dormitory, Psychopathic Building, kitchen and dining room, power plant, remodeling of kitchen and dining room, rebuilding of bakery, power house, rebuilding old laundry, new laundry, employees' dormitory, cottage for tubercular patients, blacksmith shop, contagious disease hospital, enlarging one ward, rebuilding toilet rooms, dairy barn, at Kankakee State Hospital.

General kitchen at Jacksonville State Hospital.

Rebuilding laundry, cold storage, toilet rooms, tubercular cottage, dairy barn, at Anna State Hospital.

Employees' dormitory, amusement hall, infirmary, farm cottage, water reservoir, rebuilding power plant, cottage for tubercular patients, dairy barn, at Watertown State Hospital.

Amusement Hall, Receiving Building, Psychopathic Building and morgue, two tubercular cottages, one infirmary, rebuilding power plant at Peoria State Hospital.

Administration Building, two receiving buildings, employees' dormitory, two infirmaries, one cottage for untidy patients, power plant, tunnel system, entrance gates, remodeling of plumbing in several cottages, at the Chicago State Hospital.

Root cellar at the Illinois State School for the Blind.

Remodeling of Storage Building at the Illinois State Industrial Home for the Blind.

Storage Building at the Illinois State Soldiers' and Sailors' Home.

Laundry Building at the Illinois State Soldiers' Widows' Home.

Gymnasium Building at the State Soldiers' Orphans' Home.

Service tunnels, Employees' Building, dairy barn, gymnasium, reconstructing roof over Administration Building, at the State Training School for Girls.

Addition to School Building, three cottages, central group, six farm cottages, Amusement Hall, remodeling of plumbing in several cottages at the St. Charles School for Boys.

Employees' building, girls' dormitory, school building, addition to bakery, remodeling floors in main building, remodeling of plumbing in main building, tubercular cottage, at the Lincoln State School and Colony at Lincoln.

Second Infantry Armory, Eighth Infantry Armory, armory at Galesburg, armory at Ottawa, addition to armory at Woodstock, armory at Aurora, First Cavalry Armory.

Cottages at Camp Logan.

Monument at Marietta, Georgia.

Monument at Warsaw, Illinois.

Illinois Building at the Panama Pacific Exposition, San Francisco, California.

Remodeling of State Capitol Building at Springfield, biological laboratory, hog sheds, barn, power plant and rendering plant at biological laboratory for State Live Stock Commissioners.

When I became governor the state civil service law, as affecting positions outside the charitable institutions, was but eighteen months old. I had been elected on the Democratic ticket. The then new civil service law extended its protection and made part of the classified service of the state without examination the political appointees of my predecessor, Governor Deneen, a Republican. Naturally the employes thus protected by the law were practically all Republicans also. I was the first Democrat to become governor in sixteen years and consequently there was a great demand on the part of the Democrats throughout the state for jobs. I received over 20,000 applications for positions but there were at that time comparatively very few positions within the gift of the governor, outside of the positions under civil service. Although the attorney-general had given an opinion to one of the elected state officers that the state civil service law, then in force for eighteen months, was

invalid, yet I determined to abide by that law, unless and until the highest court of the state should hold it to be void. The court later sustained it. I was supported in my task of upholding the civil service law not only by my oath as an executive but also by a conviction of many years' standing that in the merit system lay the only solution of the problem of efficiency in public service. This was regarded, of course, as rank heresy at the time by many Democrats, and even some Republicans notwithstanding that Republicans under my administration were the chief beneficiaries, they having entered the classified civil service but eighteen months before without examination. The slogan "to the victors belong the spoils" was not yet dead in Illinois.

The end of my term of office found my conviction in favor of the merit system stronger than ever. I left office with the state civil service law, seasoned by five and one-half years of equitable enforcement. The public became familiar with the law and had it been allowed to remain undisturbed for another term, the merit system would have become so entrenched in Illinois that a return to the so-called "spoils system" would have been impossible. Soon after I retired from office the teeth were taken out of the civil service law, by an amendment which permitted the head of a department to discharge an employee without the filing of charges or the granting to him of a trial of any kind previous to his removal.

In addition to refusing to permit politics to interfere in any way with the administration of the civil service law, I followed a similar policy in regard to the Illinois National Guard and Naval Reserve.

Adjutant General Frank S. Dickson was in charge of this department of the state government when I took office. He was a Republican and had been appointed by Governor Deneen. There were many Democratic applicants for the place. No Republican or Democratic political leaders pressed upon me the retention of General Dickson, but I found him competent and regardless of politics I retained his services at the head of this important department of the state government. I felt that if there was one department of the state government that should be kept

free from political control, it was the armed military and naval forces of the state.

I believe the results attained amply justified my attitude in the matter.

A very high standard of efficiency in both land and naval service of the state was maintained. The constantly increasing exactions on the part of the Federal Government, both by legislation and Federal rules and regulations, looking toward the highest possible degree of efficiency, were met by both officers and men in a manner worthy of the administration.

This constantly increasing effectiveness was clearly demonstrated by the very auspicious and successful mobilization of the troops of this state under the call of the President of the United States. This call for troops was received by the governor on the night of June 18, 1916. The machinery of mobilization was at once put into force; organizations recruited in strength in home stations; camp grounds were prepared at mobilizing points with the most minute attention to effective sanitation; ten thousand three hundred and thirty-two men were transported from home stations to camp; quartered; subsisted; drilled; in the main, equipped; inoculated, mustered into the Federal service and within a very few days organizations were on their way to the Mexican border, the last contingent leaving July 4, 1916.

It was a matter of pardonable pride to the people of Illinois and probably particularly to the governor that Illinois was the first state in the Union to put into the service of the Federal Government on the border, the quota of troops called for by the President of the United States. It was a matter of great pride to note how the general health of the militia and the sanitation of its camps were secured and maintained all through the mobilization by the surgeon general of the state, Col. Jacob Frank, appointed by me.

The state, in its sovereign capacity was called upon during my term as governor to fight two dire calamities—the foot and mouth disease and the floods.

The rivers in the southern part of the state overflowed early in 1913. As soon as I was notified I ordered twenty-four companies of the Illinois National Guard and three divisions of the

Illinois Naval Reserve, as well as all the facilities of the State Department of Health into the afflicted territory for protective, rescue, relief and sanitary work. They rendered courageous and effective service in protecting levees, building bulkheads, filling and placing sandbags and carrying relief to distressed persons. Help was given to thousands of citizens in thirty-one flooded sections through the establishment of relief stations from which food, clothing and tents were issued. The relief and sanitary work were so coordinated as to be doubly effective. So thoroughly was the duty performed, that in the wide extent of devastation all possible disease epidemics were anticipated; no man, woman or child was permitted to suffer from hunger or left without clothes or shelter, and not a single life was lost in the rising waters. The services of Surgeon General Frank in this matter were of incalculable value. I personally made an inspection of the devastated regions and satisfied myself that the prompt and vigorous action of the state authorities prevented the loss of millions of dollars worth of property belonging to the citizens of Illinois. Furthermore the Legislature on my recommendation appropriated \$387,000 for rebuilding and repairing the levees in the flood districts at Cairo, Mound City, Shawneetown and Naples in the endeavor, if possible, to prevent a recurrence of such a catastrophe.

Disastrous as were the floods, that great incurable scourge, known as the foot and mouth disease, which affected many of the cattle herds and spread over various parts of the state for almost two years, was probably worse. It first appeared in Illinois on November 1, 1914. Of this scourge, animal husbandry knew practically nothing. It could not be temporized with. Slaughter of all cattle affected was the only known remedy. In cooperation with the Federal authorities I at once took vigorous measures to suppress the epidemic. We succeeded in stamping it out, and the live stock industry of Illinois was saved. In compensation for losses sustained the General Assembly on my recommendation appropriated \$1,500,000, and so amended the law as to enable the authorities to better guard against similar outbreaks in the future; and to deal more effectively with any such scourge that might occur.

Another matter of great importance which took place during my term as governor was the ratification by the Forty-eighth General Assembly of the joint resolution of Congress providing for the amendment of the clause of the Federal Constitution governing the direct election by the people of United States senators. This formed one of the major recommendations to the Legislature in my inaugural message.

Under the terms of the Constitution of the United States as it existed at that time, United States senators were required to be elected by the legislatures of the states. For many years, in many states, the election of United States senators had been accomplished by chicanery, fraud, double dealing and corruption. Many of the men so chosen, had shown by their votes and conduct, in what ought to have been the most august and trusted body of the people's representatives, that they represented, not the interests of the people, but the interests of plutocracy and organized greed. The Senate of the United States, therefore, because of that condition of affairs had in a large degree lost the confidence of the people. It was frequently referred to derisively as "the Millionaires' Club." I had long felt that United States senators should be chosen, in each of the states, as were its governors, its congressmen, and state officials, by popular vote. The Legislature of Illinois had gone on record to that effect in the years 1903, 1907 and 1909.

At last the Congress of the United States had yielded to the public demand for a change in the method of electing United States senators. In May, 1912, it adopted a joint resolution providing for election of senators by popular vote which when ratified by three fourths of the states would invest the people with power to choose their United States senators at the ballot box. Illinois was among the first states to ratify that amendment, and the amendment subsequently became part of the Federal Constitution.

But the said amendment did not apply to the two United States senators that were to be selected by the Forty-eighth General Assembly in 1913, which was the last Legislature that chose United States senators as thereafter they were to be elected by direct vote of the people.

One United States senator was to be elected by the Legislature in 1913 for a six year term to succeed Senator Shelby M. Cullom and one to be elected for a two year term to fill the vacancy caused by the ousting of Senator Lorimer from the United States Senate.

In the statewide primary held April 9, 1912, James Hamilton Lewis' name had appeared on the preferential ballot as a candidate of the Democratic party for United States senator. He was unopposed and his candidacy was endorsed by 228,872 votes. There were several candidates upon the preferential ballot as Republican candidates for United States senator but Lawrence Y. Sherman received 178,063 votes and was the choice of the Republican primary electors over Senator Shelby M. Cullom, the incumbent.

The situation presented to the Legislature was difficult inasmuch as no party had a majority in the General Assembly though the Democrats had a slight plurality. There were ninety-seven Democrats, seventy-six Republicans, twenty-seven Progressives and four Socialists.

A deadlock ensued from February 11, to March 26, 1913. No candidate was able to muster a majority of the votes. Some Democrats thought that two Democrats should be elected and some Republicans thought that two Republicans should be elected. Various combinations and cabals were formed, some of which contemplated support from one of the other two parties but they did not get anywhere. Because of this deadlocked situation, the work of the Legislature in enacting measures demanded by the people was being delayed. Finally, inasmuch as James Hamilton Lewis had been endorsed by the Democrats in the Democratic primary and as Lawrence Y. Sherman had been the choice of the Republican voters, having received a plurality in the Republican primary election, in the latter part of February, 1913, I issued a statement to the public urging the election by the Legislature of James Hamilton Lewis for the long term and Lawrence Y. Sherman for the short term, and advising that in the struggle for the election of United States senators the time had come, when a plain, frank statement was due the members of the Legislature and the public.

After more fruitless balloting in the ensuing couple of weeks the members of the Legislature came around to my way of thinking. On March 26, 1913, Senator James Hamilton Lewis was elected for the long term and Lawrence Y. Sherman was elected for the short term to the United States Senate by the Legislature. Homer Tice, an able and honorable Republican member of the lower house of the Illinois Legislature, gave me splendid and efficient assistance in bringing about this result.

Senator Lewis and Senator Sherman had the distinction of being the last United States senators to be elected directly by the State Legislature and Senator Lewis was the first United States senator for a regular term to be elected after the people had voted directly in favor of his candidacy in the primary election, although at that time that vote was simply advisory and not by law mandatory upon the members of the General Assembly.

The solution of the matter, which I had suggested, was I think generally approved by the great majority of the people of the state irrespective of party. It was in sharp contrast to the orgy of bribery and corruption that had been associated with a previous senatorial election.

Another matter of political importance that occupied the state, after the adjournment of the Forty-eighth General Assembly, was the selection by popular vote of a man to succeed Lawrencé Y. Sherman who had been elected for the two-year term as United States senator. Roger C. Sullivan was a candidate in the Democratic primary. I declined to become a candidate though strongly urged so to do. He was opposed by Lawrence Y. Stringer of Lincoln, a former Democratic candidate for governor. Senator Lewis, Mayor Harrison and myself espoused the candidacy of Mr. Stringer in the Democratic primary, our main reason being that at that time one United States senator, Senator Lewis, was from Chicago, and the governor, lieutenant governor, secretary of state and state auditor were also from Chicago. We thought it only fair that the other United States senator should come from downstate. But Mr. Sullivan was nominated on the Democratic ticket for United States senator. Because he had received an overwhelming majority at a fairly held primary election, I wholeheartedly supported his

candidacy in the election. Raymond Robins was the nominee of the Progressive party and Lawrence Y. Sherman was the nominee of the Republican party to succeed himself. At the election Senator Sherman was reelected to succeed himself by a plurality of about 25,000 votes.

In January, 1916, I announced my candidacy for renomination on the Democratic ticket to succeed myself as governor. While I appreciated that Illinois was normally a Republican state by a large majority, yet whoever was to make the race on the Democratic ticket must, of necessity, make it upon the record I had made as governor, and I concluded that I owed it to the Democratic party to do that.

After a desultory contest in which I was fought by the utility corporations and some of the most prominent Democratic leaders I was renominated in April, 1916, by a large majority. Frank O. Lowden was nominated as my opponent on the Republican ticket.

When the national conventions met in July, 1916, the Democrats renominated Woodrow Wilson for President while the Republicans nominated Justice Charles Evans Hughes, of the United States Supreme Court, who had formerly been governor of the State of New York. Practically all the Progressives returned to the Republican fold.

In the November, 1916, election Justice Hughes carried the state for President by a plurality of 202,320 and I was defeated for governor by Governor Lowden by the normal Republican majority of 139,884 votes. It had not been wholly unexpected by me. Illinois is a Republican state and there must be unusual conditions or a situation of peculiar character for a Democrat to be elected governor in this overwhelmingly Republican state as is evidenced by the fact that since the year 1858 the Democratic party has had the governorship but eight years out of the seventy-two years that have elapsed since that time. Governor Altgeld and myself were the only two Democrats to succeed and we each served one term only.

I had thoroughly enjoyed occupying the office of governor. It did not have connected with it the tedious details and vexatious annoyances which I encountered while I occupied the office

of mayor of Chicago. It would be difficult to imagine the almost grotesque routine to which I was required to give much of my time while mayor to the unavoidable neglect of consideration of important public business. For instance, one of my duties as mayor was the pardoning of stray dogs from the city dog pound, captured by the city dog catchers. I was awakened from a sound sleep at three o'clock in the morning on one occasion by a telephone call from an irate citizen whose dog had been impounded and who wanted his dog forthwith released. It is needless to say that that particular canine was not released by my order. Applications for pardon of common drunks and other persons found guilty of violation of city ordinances and committed to the house of correction also took up a great deal of my time as mayor. Any citizen with a grievance could reach the mayor in the City Hall without paying a railroad fare. To reach the governor they had to pay the railroad for a ride.

In those days, too, the mayor was required to personally sign all bonds issued by the city. I remember sometimes I would be obliged to remain at home for three or four days at a stretch and do nothing all day long but sign my name while my secretary would blot it after I signed it. And there were a great many other time-consuming matters which I think the mayors of today are not burdened with.

Practically all of the time of the governor, I found, was taken up with important state problems and not with irksome details. After the appointments to office are disposed of, which is possibly the most strenuous task the governor has to perform, and the Legislature has adjourned, the office of governor is a position of comparative leisure, dignity and responsibility. I enjoyed the office while the Legislature was in session as well as I did when it was not in session.

I delighted in meeting the members of the General Assembly both officially and socially.

While I was governor the members of the Legislature of all political parties were at all times most welcome at the executive mansion. During the session of the Legislature Mrs. Dunne and myself arranged luncheons or dinners for them, inviting about twenty of them at a time, including as a rule some Demo-

crats and some Republicans and some wets and some drys. On such occasions we had many pleasant times together.

Before dinner was served we usually had a little liquid refreshment. I always announced that the drys should accompany Mrs. Dunne to the parlor of the mansion where she served them with grape juice; while the wets should accompany me to the library where I served them with a little something more inspirational. The remarkable thing on such occasions was that men like Speaker Shanahan and Representative Thomas Curran, dripping wets in their votes in the Legislature, always accompanied Mrs. Dunne, and drank grape juice, while others who on all occasions voted bone dry in the Legislature (whose names I shall not mention) always followed me to the library and there quenched their thirst in then lawful and exhilarating cocktails.

Besides entertaining the members of the Legislature, it was also the proud privilege of my family and myself to have had as our guests at the Executive Mansion many of the most distinguished citizens of the country, including two former Presidents of the United States, Theodore Roosevelt and William H. Taft, Secretary of State Bryan, Secretary of the Treasury Josephus Daniels, United States Senator Reed of Missouri, United States Senators Lewis and Sherman of Illinois, Governor Major of Missouri, Governor Whitman of New York, Archbishop Glennon of St. Louis, Mayor William H. Thompson and Carter H. Harrison, Roger C. Sullivan, as well as many other prominent persons in and out of public life living both in Springfield, Illinois, and throughout the country. The governor also each year entertained at the Executive Mansion the members of the Illinois Supreme Court; members of the State Public Utilities Commission, and other state boards and officers. Mrs. Dunne, the members of my family and myself always heartily enjoyed these gatherings and I think our guests did also. At all of them a spirit of good fellowship prevailed. I know I tried my utmost to make such affairs different from many formal stiff official dinners that I had attended during my public career where all the diners were uncomfortable and on "pins and needles" waiting for the function to be over with.

I had the support and co-operation of members of the Illinois general assembly in fuller measure than it was given to many other governors to enjoy. The treatment accorded me by the State Legislature while I was governor was vastly different from that which I had received from the Chicago City Council while I was mayor. And this notwithstanding the fact that I was a Democrat and at neither session of the Legislature during my term as governor was there a Democratic majority in the Legislature.

From Speaker William McKinley, a Democrat, who presided over the House in the Forty-eighth General Assembly I received the fullest measure of cooperation and courtesy. The same is true of David E. Shanahan, a Republican, who presided over the Forty-ninth General Assembly. With no member of the House of Representatives did I ever have an unkind word with two exceptions and it would serve no useful purpose to give their names.

On the Senate side I was equally fortunate. All of the members of that body showed such a spirit of courtesy, cordiality and cooperation towards the governor, in all but a few instances (where they did not meet my views on proposed legislation), that I must even forbear from mentioning individual names as I might omit some of them. From all the state officers likewise, both elected and appointed, I received every assistance. And the proudest thing of all to me is that my administration as governor was free from graft, scandal and corruption of any kind or character. I sought too; to give to the people of Illinois an economical administration, and turned back to the state unused some thirty-odd thousand dollars of the appropriation made by the Legislature for the Executive Department of the state during my term of office. I vigorously exercised over appropriations the veto power reposed in the governor.

Of the appropriations of the Forty-eighth General Assembly, I vetoed \$1,130,000; of those of the Forty-ninth General Assembly, I vetoed \$2,322,095. These were the largest amounts of appropriations vetoed by any governor up to that time in the history of the state.

January 20, 1916 the State Senate did me the unsolicited honor to unanimously adopt a resolution recommending me to President Wilson for appointment as a member of the United States Supreme Court, to succeed Justice Lamar, deceased, which resolution was as follows:

Whereas, through the death of the late Associate Justice Lamar a vacancy now exists upon the bench of the Supreme Court of the United States; and

Whereas, President Woodrow Wilson, upon whom the duty now falls of naming a successor to the late Justice Lamar, is now carefully considering the merits and qualifications of numerous distinguished jurists and Americans for such vacancy; therefore, be it

Resolved, That the Senate of the State of Illinois, in special session herewith assembled, hereby respectfully presents to the distinguished consideration of the President, the name of a man, already publicly mentioned in connection with the vacancy with its sincere and unanimous endorsement, the name of Governor Edward F. Dunne of Illinois; be it further

Resolved, That President Wilson be respectfully asked to consider the long and distinguished service of Governor Dunne as a judge on the bench, in which position he distinguished himself for fine legal ability, broad human sympathy, a progressive view of law in keeping with the spirit of the times. His honesty was, and is, proverbial, his fair dealing unquestioned, and his open, appealing democracy such as to make him a real friend of men; in other words a man of true judicial temperament, well fitted to grace the bench of the Supreme Court of this country; be it further

Resolved, That the Senate of the State of Illinois hereby gives its unanimous endorsement to the report that President Wilson is considering the qualifications of Governor Dunne and earnestly requests him to give due and careful consideration to his qualifications before making a final decision; and, also be it further

Resolved, That an engrossed copy of these resolutions, duly authorized by the President and Secretary of the

Senate be forwarded at once, to His Excellency, Woodrow Wilson, President of the United States.

During my administration as a Democratic governor, at no time was there a Democratic majority in the General Assembly. For that reason I think the proceedings which took place in the heavily Republican General Assembly at the time I relinquished the office of governor to a Republican governor were unique; and might very properly be recorded here, both as a matter of general interest because the details of such events are seldom printed outside of legislative journals, as well as an example of the outstanding cordiality which may exist between a Democratic governor and a Republican Legislature.

At the conclusion of my term as governor both houses of the General Assembly unanimously adopted a resolution which was offered in the House by Representative Shurtleff, a Republican, at present Judge of the Appellate Court, and in the Senate by Senator Barr, then as now one of the Republican leaders of the Senate, expressing their appreciation of the cordial relations that had existed between the Legislature and myself during my term of office and wishing me and my family future health, happiness and prosperity.

In moving the adoption of the resolution in the Senate, Senator Barr called attention of that body to the cordial relations which had existed between the executive and the Senate.

"Under our form of government," said Senator Barr, "it seems to be necessary to have political parties. We have grown up with that practice. In the beginning and not very long ago, political differences seemed to have gone into personal differences, but as we have progressed along many lines we have progressed in this way also, until now men differ politically and not differ personally. Certain individuals have done much to blot out this line of demarcation. I think there is no man in public life in Illinois today who has done more to wipe away personal differences in politics than the gentleman who is now about to retire as the Governor of this State. We who have been here in this Legislature during his term of office have observed with pleasure, the attitude that he has taken toward

all members irrespective of politics, and as he has served his State as judge, mayor of the greatest city of the world, and as the chief executive of the State of Illinois, and is now about to retire, I am sure I voice the sentiments of those who have served with him when I say that we wish him well, and that we are greatly indebted to him for the many courtesies and the kindnesses that he has bestowed upon us during that four years, and the kind and generous treatment that all have received at his hands."

Senator Canaday, a Democrat, who passed away a few years ago, seconded the motion to pass the resolution. Senator Canaday had been President Pro Tem of the Senate in the Forty-ninth General Assembly. He was a man of lofty character, and an able and industrious legislator and one of my warmest friends in the Senate. That may have been the reason why his remarks on that occasion were so complimentary to myself.

"Mr. President," said Senator Canaday, "I wish to say a few words in seconding the motion of the gentleman from Will. His resolution, coming as it does from that side of the house, exemplifies the good feeling that exists between man and man. It proves to me that when we come down to a common point in our earthly existence, that the brotherhood of man stands out prominently high above political faith. The two great parties in this State and Nation are striving at all times to supersede one another. The issues generally speaking are practically the same; but one party wants to gain an advantage and be the incumbent in office instead of the other. It makes me feel good to see this sentiment expressed by that resolution coming, as it does, from that side of the house and the kind words spoken in behalf of that resolution. I know that the resolution could not be made too strong to fit the case of the gentleman who now occupies the governor's chair.

"I have known Governor Dunne for perhaps ten years. The first time I ever saw him he was mayor of the city of Chicago. I admired him then. That admiration has grown every time I have been brought into contact with him since then. He has proved himself worthy of the great vote of the people of the

State that he received four years ago. His home life is perfect; his morals are perfect; he goes out of office with a clean record.

"During his administration some of the best, some of the grandest laws have been enforced, or put into effect. It is due to his kindly consideration, of the existence of corporal punishment being abolished in our reformatory institutions. His heart is with the lowly, the lowly people. They are first in his mind. His administration has been one without a blot, and when he leaves this building next Monday, when he leaves the mansion, he and his grand and lovely family, we must all, and we all know, that an honest and upright executive of the State is stepping down and out into private life. But one with the history back of Governor Dunne will not long remain in private life, in my judgment. He will be called into other public life, other public places. He will go on. He will not settle down, I believe, to a private life, but he will go on and demonstrate to you and to me the noble instincts with which he has been imbued from his youth to the present time. His education has not only been a benefit to him, and his public career not only a benefit to him, but the people of the State. I am pleased indeed to second the motion to adopt the resolution."

January 8, 1917, I had the honor of introducing my successor, Governor Lowden, at the joint session of the Fiftieth General Assembly. Chief Justice Charles C. Craig of the Supreme Court, a Democrat, administered the oath of office to the new governor. Thereupon I was presented by that veteran legislator, Speaker David E. Shanahan who had also been speaker of the Forty-ninth General Assembly which had been in session during part of my term as governor. Though he was a Republican in politics, I received from him the fullest possible cooperation in legislative matters at all times and our relations could not have been more friendly or cordial.

In presenting me to the Fiftieth General Assembly, Speaker Shanahan said:

Under our form of government, every four years, the people are called upon to elect a chief magistrate of the nation and a chief magistrate of the commonwealth, and other state officers. During the course of events things

transpire and conditions come and go whereby different political parties come into power. One time the Democratic party is in power, and may be succeeded by Democratic officials and other times by Republican officials.

It is my distinguished honor to have served with many Executives of this State, both Democratic and Republican, starting away back with the late Governor Altgeld, afterwards with the late Governor Tanner and with Governor Yates, and for eight years with former Governor Deneen, and during the past four years with the present Chief Executive.

I can truthfully say that all these men have been high-minded, conscientious and honest officials, who have always had at heart the best interests of the State at large. We are all subject to criticism at times. We all make mistakes. We all have our good points and our bad points, but I can truthfully say that Illinois has been fortunate during that time in its Chief Executives. It is indeed a pleasure for me today to be able to say regarding the man who has served for the past four years that his relations with the General Assembly are such that both Houses testified by resolutions last week to their undying friendship for him. He has served the people well, although belonging to a different political party from that to which I belong and although he and I sometimes disagreed as to policies and to measures. He was always conscientious; he was always honorable; he was always courteous, and he was always looking after the interests of the great State of Illinois. I know I voice the sentiment of every member of the General Assembly when I wish him well in leaving here today, and for myself, personally, I can say to you, Governor Dunne, that our relations have been most cordial indeed, and I thank you for many kind considerations received. I also want to thank your charming wife for many courtesies which she has extended and I know in leaving Springfield many of its citizens say that for four years the mansion has been graced by a real gentlewoman.

Governor Dunne, I wish you every success. I wish you success at the bar, and I know that if you are called upon by the people to hold some office in the future that you will discharge the duties of that office in the same efficient manner as you have in the past.

I then presented Governor Lowden in an address in which I first thanked the General Assembly for its many courtesies

to me. I also through the members of the General Assembly thanked the people of the State for the great honors conferred upon me and the people of Springfield particularly for their kindnesses to my family and myself. In introducing Governor Lowden I stated that I had known him for over thirty years and I heartily wished him success in his administration.

Before performing the last official duty of this position—and I assure you it is a pleasant one—permit me to express a few words through you to the people of this great sovereign State.

During the last twenty-four years in which I have been in public life I have been unduly honored by the people of this great State. Thrice they have elected me to the position of dignity in a great court. Again they have elected me to be mayor, chief executive of the greatest city in the western continent, because while it is exceeded by New York in numbers, Chicago, in my judgment, is the nerve and brain center of the western continent. Latterly, to crown all, I have been exalted to the highest position of dignity and honor in what I believe is the greatest State in the United States. And I would be less than human, my friends, in leaving office if I did not express to the people of this State my deep sense of gratitude for the honors conferred upon me during these last twenty-four years. Again, I would be lacking in gratitude if I did not appreciate the splendid support given to me, not only by the people, but by the members of the last two sessions of the Legislature, irrespective of party, in supporting measures that I believed for the public good, and I want to record here a tribute to the patriotism of the men of the last two General Assemblies who, putting aside political interest, voted for what they believed for the best interests of the people of the State of Illinois. I want to thank you gentlemen and the members of the last two Assemblies for the infinite courtesy and kindly treatment that you have always given me, and the generous support that you have given me, irrespective of party measures that I have advocated, and it is my great pleasure, and will be my proud boast in the future, that I was able to subscribe my name to many laws for the public good that were voted for by men not of my political faith in this Legislature.

Again, I think it appropriate to thank the Speaker for the very kind and generous introduction that he has

given me to this audience, which simply is a repetition of the kindnesses and the courtesies that have been showered upon me by the Legislature for the last four years, and I cannot leave this city—I came and my family came to it a stranger four years ago—without saying a few words in appreciation of the gratitude and the thanks that I wish to give to the good people of this community, irrespective of party and creed and race, extended for the last four years to my good wife, my children and myself.

It is the one disagreeable feature of this splendid occasion that I have to part for a while—I don't know how long—and sever so many friendships in my party, friendships made in this Capital City of Illinois.

And now I come to the pleasurable part. The last thing for me to do as the Executive of this great State is to introduce my successor, and that is not only an honor but a pleasure to me. I have had the pleasure of the acquaintance of Col. Lowden for lo these many years, over thirty years. I know his engaging attributes, I know his marked ability, and I take great pleasure in bespeaking for him the same kindly courtesies and treatment from the Fiftieth General Assembly that I have received, Governor Lowden, from the Forty-eighth and Forty-ninth. I wish you heartily success in your administration, and I wish the State of Illinois, under your administration, peace everlasting and prosperity.

Governor Frank O. Lowden thereupon delivered his inaugural address as governor and I passed out of the picture as a holder of public office in Illinois.

Immediately after the ceremonies incident to the inauguration of Governor Lowden, Mrs. Dunne and I and my children returned to Chicago. Though I had retired from public office, a great crowd gathered at the railway station in Springfield to bid us good-bye and to wish us well in the future. Among them were two clergymen representing the Springfield Ministerial Association, The Reverend T. N. Ewing and Reverend George T. Gunter, who presented me with a resolution adopted by that association which read as follows:

“The Springfield Ministerial Association by resolution, hereby expresses its sincere appreciation of Governor Edward F. Dunne both as a man and a citizen, as he has lived in our midst as

Governor. We bid him God-speed as he goes from amongst us." Vicar General Hickey also wrote me on same day—"I hope and pray that God may bless you and Mrs. Dunne and your good family. I believe that the generality of the people of Springfield, no matter what their religious belief or politics may be, regret your leaving. None regret it more than I."

That ended my nineteen years of holding public office. I went back to Chicago to the only trade I knew which was the practice of law, and have never sought office since. I was in my sixty-fourth year when I left the governor's office and wanted to spend the last few years of my life unhampered by the duties and responsibilities of public life.

CHAPTER LXVIII

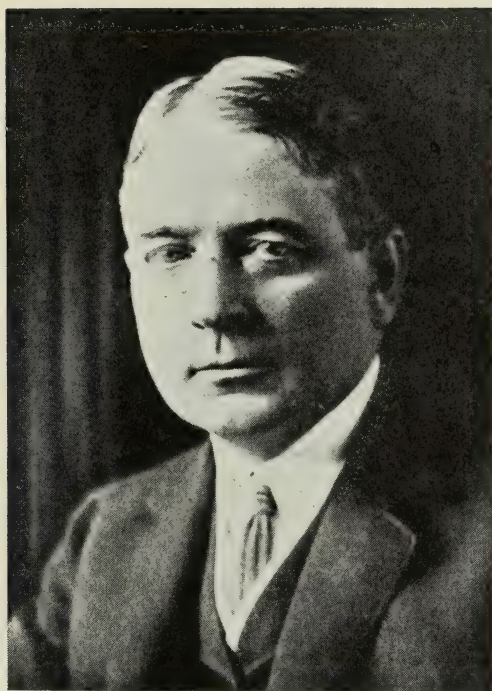
ADMINISTRATION OF GOVERNOR FRANK O. LOWDEN

Illinois in the World War.

In 1916 Charles E. Hughes carried Illinois for the Republican ticket by a plurality of 202,320 over Woodrow Wilson, but failed to be elected President. At the same election Frank O. Lowden carried Illinois for the Republican state ticket over Edward F. Dunne for governor by a plurality of 139,881.

Early in January, 1917, Mr. Lowden was inaugurated governor. He was hardly warm in his official seat before the ominous clouds of war began to gather over the state and Nation. During President Wilson's first administration he (Wilson) had rigorously and emphatically enjoined upon the American nation the duty of observing strict neutrality as between the warring nations of Europe. Both of the groups of belligerents had repeatedly violated the rights of American citizens as nationals of a neutral nation on the high seas. British men-of-war had again and again challenged vessels flying the American flag and carrying merchandise which was not contraband-of-war, escorted them into British harbors and confiscated their cargoes, leaving the owners no remedy except claims against the British admiralty. On the other hand, German submarines had frequently and remorselessly attacked and sunk merchantmen carrying American citizens and destroyed their lives.

The American Government had repeatedly protested against these outrages which violated the freedom of the seas, and the rights of neutrals, and had obtained from the frenzied belligerents nothing but lame apologies and shallow promises of reform. In the earnest desire to avoid entanglement in the war and to preserve honest and absolute neutrality, the American Government under Wilson as President and William J. Bryan



FRANK O. LOWDEN, GOVERNOR, 1917-21

as Secretary of State, displayed extraordinary patience and remarkable forbearance. Millions of American citizens were men and women who had but recently arrived, or whose immediate ancestors had arrived, from Great Britain and Germany; and who were living side by side in the American cities and on American farms in entire harmony and friendship. While they naturally sympathized with the sufferings of their kindred in Great Britain and Germany in this awful war, the overwhelming majority of these men and women had deliberately and voluntarily discarded the nationality of their nativity, and the nativity of their ancestors, and became American citizens of unquestioned loyalty to the land of their adoption. Most of them, as a matter of fact, had left their native lands to escape political and economical hardships and found in the land of their adoption, not only greater religious and political freedom, but less governmental burdens in the way of taxation and military service. Above all they had discovered in the land of their adoption, many more opportunities for acquiring wealth and social comfort for themselves and their families. Their personal experiences and those of their sires in the oft-recurring wars of Europe, naturally made them adverse to seeing the country of their adoption embroiled in the desolating and exterminating war then being waged in Europe. As a rule, both of these strains of nationality were heartily behind President Wilson during his first Presidential term in his effort to maintain neutrality.

Hardly had Governor Lowden taken the governor's chair in January, 1917, when the rumblings of approaching war reached Washington and Springfield to the great dismay of all American citizens. Early in 1917 things happened which made America's entrance into the World war almost inevitable. Although the *Lusitania* was sunk by a German submarine, May 7, 1915, carrying down with it 103 American citizens (including two of my warm friends, Charles A. Plamondon and his wife), war was then averted by a diplomatic interchange of notes between Washington and Berlin. The German Government solemnly promised the United States Government at that time that "liners will not be sunk by submarines without warning, and without safety of lives, provided that the liners do

not try to escape or offer resistance." This pledge was given September 1, 1915. Notwithstanding this solemn pledge, on October 15, 1915, the *Arabic* was sunk by the Germans with the loss of three American lives. The German Government, in a diplomatic note, regretted and apologized. Still no war! On November 29, 1915, the Germans sunk the American vessel *William P. Fry* in violation of international law, and on December 30, 1915, they sunk the British liner *Persia* on which an American consul was traveling to his post of duty, causing his death. Still no war.

On May 4, 1916, the German Government gave solemn assurance to the American Government that new orders had been issued to German naval commanders "in accordance with the general principles of visit and search in the destruction of merchant vessels recognized by international law." Within six months thereafter, however, the Germans again began taking the lives of American citizens on the high seas. One American was killed on the British steamer *Cabosha*, October 20, 1916; eight Americans were killed on the British steamer *Marina*, October 28, 1916; and seventeen more killed on the British steamer *Russia*, December 14, 1916. Still the American President and the American people preserved their sorely-tried tempers and there was no war. The American people, composed of the strains of nearly every one of the belligerent European nations, patiently stood approvingly, behind their patient President, in his effort to keep this American nation "out of the war." The time was now approaching when "patience ceased to be a virtue" both with the American people and their President.

On January 31, 1917, Count von Bernstorff, the German ambassador, handed Robert Lansing, the American Secretary of State, a long communication in which among other things he stated that the methods of warfare pursued by their enemies, Great Britain, France and Italy, "gives back to Germany the freedom of action which she (Germany) reserved in her note addressed to the Government of the United States on May 4, 1916; announced that their government would not bind itself to act in accordance with the general principles of visit and search in the destruction of merchant vessels recognized by

international law." Between the service of this notice February 1, 1917 and April 1, 1917, pursuant to this notice, fifty-three American citizens were killed upon the ocean on English, French, American and Norwegian steamships by German submarines, and seven American steamships were sunk in the same way.

The extraordinary patience of the American people was now exhausted. On February 3, 1917, President Wilson directed Secretary of State Lansing, to sever all diplomatic relations with the German Government and give Ambassador von Bernstorff his passports; and appeared before a joint session of the Senate and House of Representatives to make announcement of that impressive act. On February 7, 1917, the Senate endorsed the President's action by a vote of 78 to 5. Still there was no war. President Wilson and hosts of American citizens still indulged the hope that war might be avoided, although thousands of peace-loving citizens were beginning to lose all patience with Germany because of her cold-blooded announcement that she would destroy unarmed merchantmen without notice and thus kill or drown non-combatant neutrals, including American citizens. Hoping to prevent such ruthless and unconscionable attacks upon American vessels, by arming them to resist such attacks, the President, February 26, 1917, sent a message to Congress asking that it give him authority to furnish such armament to American vessels. At this juncture, however, a discovery was made by the American authorities which made war between the American republic and the German empire almost inevitable. On February 28, 1917, the Associated Press announced the opening of an intrigue by the German Government with the governmental authorities of Mexico, to embroil that nation and Japan in a war with the United States. The intrigue was evidenced by a letter signed by Zimmerman, the German minister of foreign affairs to the German minister in Mexico, and which was transmitted by Count von Bernstorff to the said German minister at Mexico City. This letter, whose authenticity was shortly afterwards admitted by Minister of Foreign Affairs Zimmerman, read as follows:



WORLD WAR SOLDIER

(Courtesy Chicago Historical Society.)

Berlin, January 19, 1917.

On the 1st of February we intend to begin submarine warfare unrestricted. In spite of this, it is our intention to endeavor to keep neutral, the United States of America. If this attempt is not successful, we propose an alliance on the following basis with Mexico. That we make war together and together make peace. We shall give general financial support and it is to be understood that Mexico is to recover the lost territory in New Mexico, Texas and Arizona. The details are left with you for settlement.

You are instructed to inform the President of Mexico of the above in the greatest confidence, as soon as it is certain there will be an outbreak of war with the United States, and I suggest that the President of Mexico on his own initiative should communicate with Japan, suggesting adherence at once to this plan.

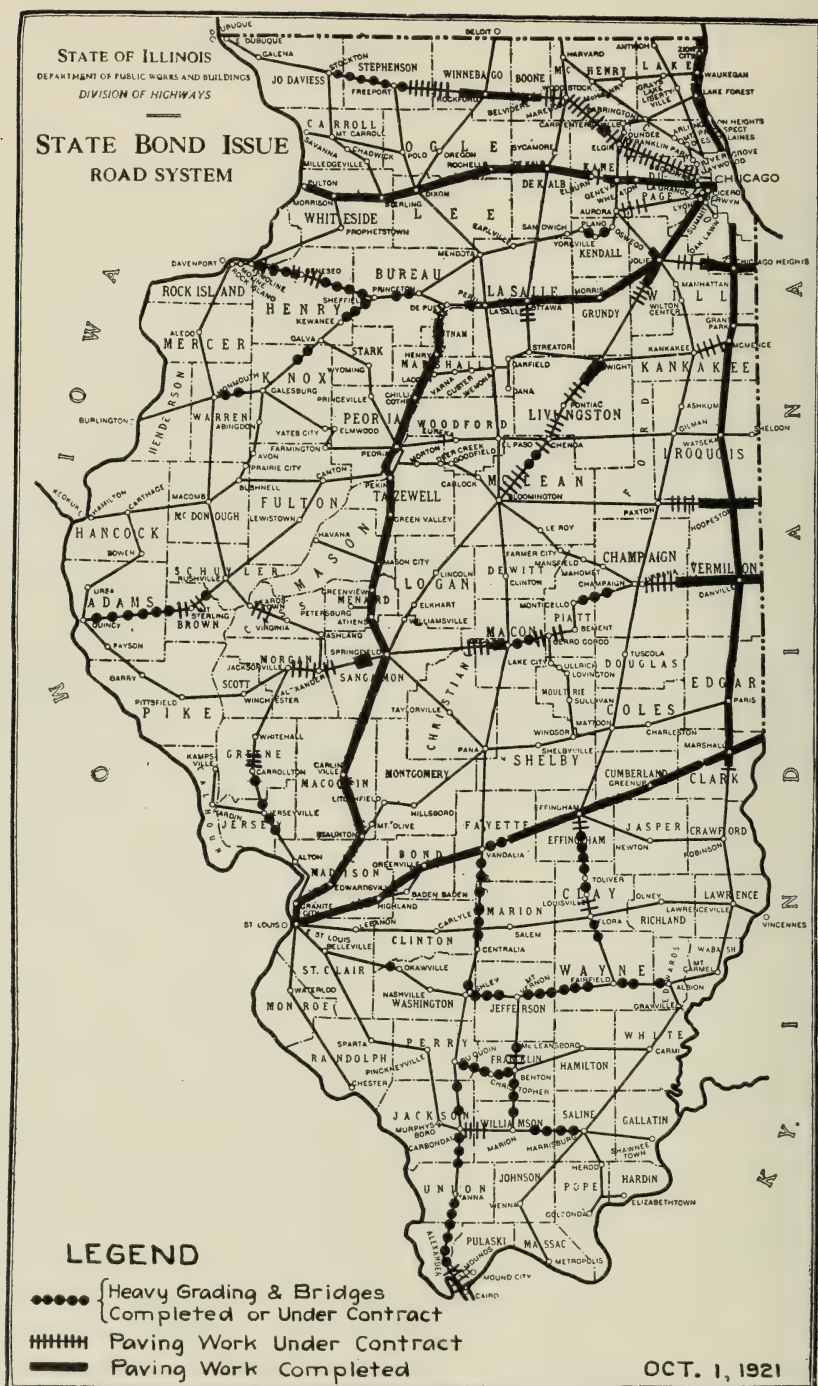
(Signed) ZIMMERMAN.

The publication of this extraordinary letter of instructions from the German Secretary of Foreign Affairs to the German minister at the City of Mexico produced a profound impression, not only throughout the United States, but throughout the world. It proved not only that Germany knew that unrestricted submarine warfare entailing the wholesale murder of American citizens must and would provoke America into declaring war; but that the Germans were about to negotiate alliances with our neighbors to the south, with whom we had been exchanging shots and on the verge of war months before, for a Mexican invasion of American soil, and with the Japanese empire for the invasion of the Philippine Islands. It changed over night the peace-favoring disposition of American officials and the American people to one that demanded the vindication of American rights to travel and trade without molestation on the high seas even if that vindication entailed war with the German empire.

In Illinois, however, the Zimmerman letter produced the greatest and most profound change in the sentiments of German and Austro-Hungarian descendants. The German-born population of Illinois in 1910 was 319,199; the Austro-Hungarian 163,065. Their descendants were much more numerous than their Teutonic parents. Of the 2,000,000 residents of Chicago

in 1916 it is claimed that nearly 644,000 were of German and Austrian birth or parentage (N. W. Ayer & Son's *Newspaper Annual and Directory*, 1916, p. 1277). There were also considerable settlements of Germans in and around St. Clair and Peoria counties. These men and women of German and Austrian birth and lineage naturally had strong feelings of sympathy with their kin in Europe from the outbreak of the World war until early in 1917, and up to the time of the publication and authentication of the Zimmerman letter they were vigorously opposed to the United States entering the war. Even after the publication of the same during the month of March, many of them were slow to believe in its authenticity. When, however, its authenticity was demonstrated it profoundly affected the German-American element in Illinois, as it did, I believe, that element elsewhere in the Nation. It was at last confronted with making a choice between the land of their birth or lineage and the land of their adoption. To the credit of the German-American people in Illinois and I believe throughout the country, the great mass of them proved their patriotism and loyalty to the land of their adoption. The Zimmerman letter demonstrated to them that there could be no divided allegiance. A few hot-tempered new arrivals from "the Fatherland" here and there did cry "Deutschland ueber Alles" but they were few and ineffective. The great mass of the German-Americans massed themselves solemnly and emphatically behind the American President and Congress when they declared war on Germany, April 6, 1917, and during the continuance of same by prompt and cheerful compliance with all the war measures enacted by Congress they did their full duty as patriotic American citizens.

Even before the formal declaration of war by Congress, the State of Illinois, in an official manner, manifested its determination to stand by and loyally support any action that might be taken by President Wilson and Congress. On February 3, 1917, when news reached Springfield that President Wilson had suspended diplomatic relations with Germany and given the German ambassador his passports, Republican Governor Lowden telegraphed the Democratic President a promise of cooperation from Illinois. Three days later he appealed to the Legislature,



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PROGRESS IN ROAD BUILDING TO OCTOBER 1, 1921
(From *Illinois Blue Book*.)

then in session, to give to the President assurance that he could rely upon the whole-hearted support of the premier state of the Middle West. On February 7 resolutions to this effect were passed in both houses of the Legislature with unanimity. In anticipation of imminently probable war, prompt action was taken to mobilize the National Guard of Illinois. As a result of the recent Mexican border troubles, which took place under Governor Dunne's administration, two regiments of the Illinois National Guard had already been mobilized, fully equipped, and placed upon the north bank of the Rio Grande. One of these regiments, the Fourth, was still in Texas; the other, the Third, had just returned to Fort Sheridan, near Chicago. All the other Illinois regiments were fairly well equipped and in shape for mobilization. Governor Lowden and a committee of prominent Illinoisans organized an agitation for universal military training and arranged for a monster parade and mass-meeting to develop same in Chicago for March 31. By April 4 both houses of the Illinois Legislature had passed resolutions declaring for universal service in Illinois.

On April 2, 1917, President Wilson called a special session of Congress which on April 6 issued a declaration of war on Germany, the vote in the Senate being 82 to 6 and in the House 373 to 50. Only five votes from Illinois were cast in Congress against the resolution declaring war. The first contribution of fighting men made by Illinois to the army of the United States were the regiments of its National Guard. On or before August 5, 1917, all the different organizations of the Illinois National Guard had been mustered into the Federal service. In all, these organizations numbered 25,045 effective men. They were mobilized by the Federal Government at Camp Logan, Texas, into the Thirty-third Division, under command of Maj.-Gen. George Bell. The Illinois Naval Battalion, consisting of forty officers and 814 enlisted men, was called into Federal service about the same time. While the National Guard was leaving the state for Federal service in Texas, three additional regiments were recruited for service within the state, mustered in during the summer of 1917 and placed under command of Adjutant-General Dickson for military training.

In June, 1917, a law was enacted providing for the organization of a reserve militia of volunteers from the unorganized militia of the state. Governor Lowden called for 6,000 volunteers September 19, 1917, and 11,000 more March 4, 1918. Sufficient responses to these calls were made to organize eight regiments, one battalion and thirty-eight separate companies of reserve militia. Volunteer enlistments in the United States army, however, were by no means numerous or enthusiastic. No bounties were offered, as was done in the Civil war, and the American citizen of fighting age was by no means anxious to exchange a good, well-paid job near his home and family where there was little or no danger to life or limb for a place in the muddy trenches in Flanders, 4,000 miles from home, where his life and health would be in almost constant peril. Recruiting officers, after a strenuous day at the gates of the Cubs baseball park, April 12, reported that they had solicited 18,000 men to enlist and had not obtained a single recruit. Yet Illinois was not, in comparison with other states, backward in furnishing volunteer soldiers. During the first twenty days of April, 1917, Illinois was able to report 2,427 volunteer recruits and it is claimed that in making this return for that period Illinois led all the states in the Union. It became manifest soon after the United States entered the war that it could not be carried on effectively if reliance was placed solely upon volunteer recruits. Congress soon passed laws requiring universal registration between certain ages, and conscription by classes as troops were needed in Europe. All the states in the Union proceeded to carry out promptly and energetically the measures prescribed by the Federal enactments and none more promptly and energetically than did the State of Illinois.

By June 5, 1917, 651,164 Illinoisans, aged from twenty-one to thirty-one, were registered, and later on 1,572,747, aged from eighteen to forty-five, were placed on the registry. From those so registered the Federal authorities drew into service 118,010 citizens. This made the total number of men furnished by Illinois to the Federal land forces 322,812. To these must be added 28,341 men furnished in the naval forces, making the

grand total of those furnished by the State of Illinois 351,153, as reported by Maj. E. B. Tolman to Gen. F. S. Dickson in 1918.

Military training soon became a great industry in Illinois. Officers training camps were in constant, successive operation at Fort Sheridan, that turned out a goodly share of the young officers that organized and trained the American army. Camp Grant, at Rockford, an immense cantonment, was built and equipped for the training of a large part of the national army. The Great Lakes Naval Training Station became a great school for the training of recruits from the Central West to the United States Navy. Flying schools for the training of aviators were established and maintained at Rantoul and at Scott Field, near Belleville.

The State of Illinois, however, did not content itself with carrying out the orders and regulations of the Federal Government in registering and recruiting fighting men. The Red Cross organization had to be aided, Liberty bonds had to be sold, nurses had to be found, hospital supplies had to be furnished, the growing of nourishing crops had to be fostered and regulated, and the consumption by civilians of food and supplies needed by the army in the field had to be restricted. With these objects in view, the Legislature, May 2, enacted a law empowering Governor Lowden to appoint a State Council of Defense to coordinate and intelligently control these necessary works. The governor promptly selected for the duty fifteen of the most prominent and successful business men and labor leaders in the state. Among them were Samuel Insull, the master mind of the electrical utility companies; Charles H. Wacker, J. Ogden Armour, David Shanahan, Fred W. Upham, Victor Olander and John H. Walker. These men served without compensation, and gave much of their valuable time to marshalling effectively the Government's war-time needs and necessities. Both the governor and members of this committee worked incessantly and energetically in the public interest and contributed very materially to the successful prosecution of the war and its victorious termination.

The Council of Defense opened headquarters at Chicago, and appointed eleven different standing committees. Within a year,

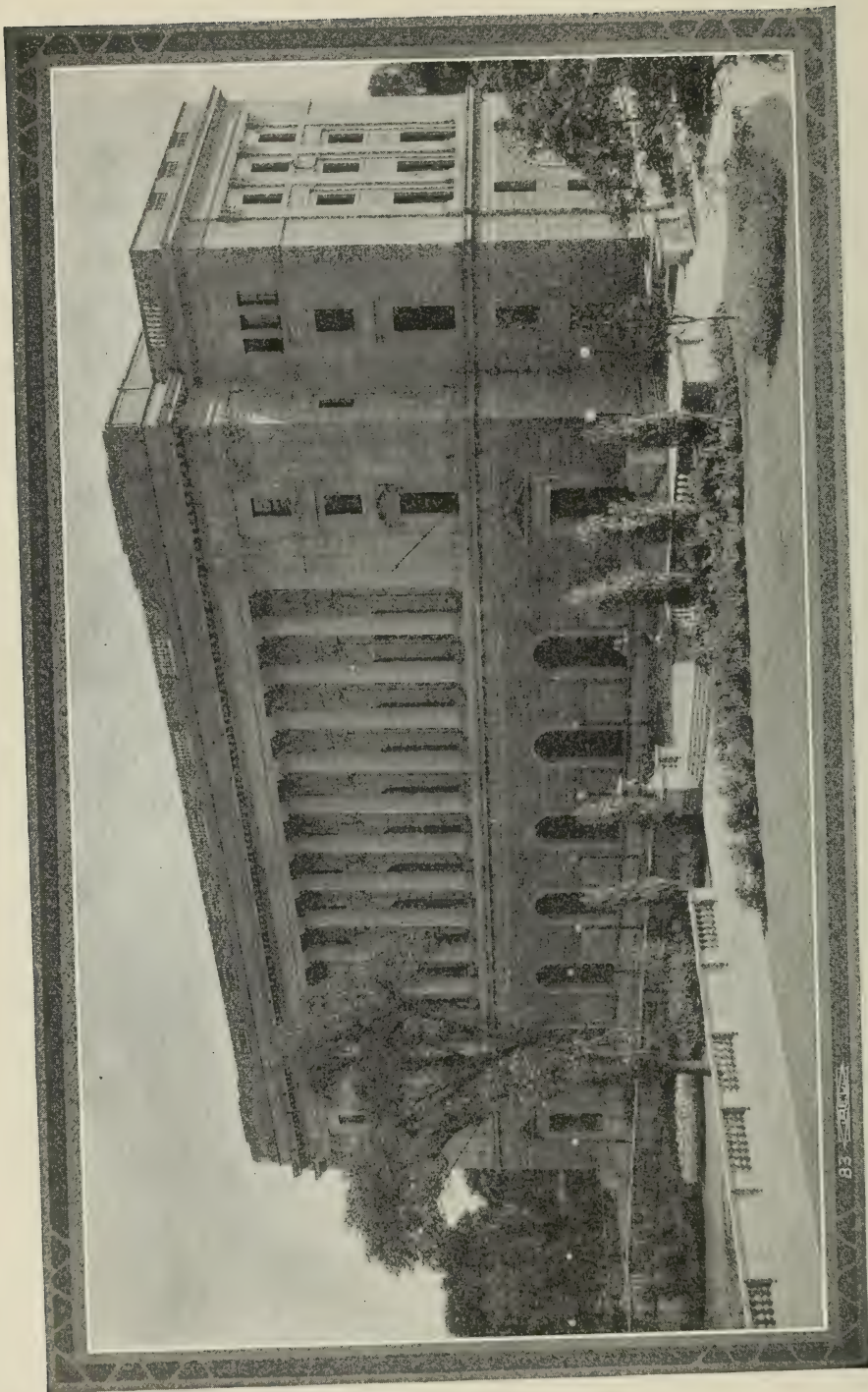
through its standing committees and subordinate councils, it had listed over 50,000 men and women who were working in aid of the war in different capacities under the Council's direction and orders. It established fraternal relations with the Red Cross organization, the Y. M. C. A. and the Knights of Columbus. It encouraged and assisted the Four-Minute Men and the Liberty Loan workers. It gave particular attention to the adequate production, conservation and distribution of food products. The State of Illinois lay in the center of the richest food-producing valley of the Nation. Chicago was the central market of the Mississippi Valley. The price of all food stuffs, cattle, hogs, sheep, corn, wheat and oats were fixed on the Chicago Board of Trade. At the outbreak of the World war speculation in these commodities was rife and the prices of food stuffs rose enormously. When the United States entered the war, these prices were further increased and it became a serious matter to prevent extortionate charges for food both to the general public and the Government. While the elevators and warehouses in Chicago were bursting with grain and the packing houses in that city and East St. Louis were packed to the roof, there were food riots in Europe and even in New York and Chicago, and warehousemen, middlemen and retailers were squeezing the public. Production, conservation, and regulation of prices in food stuffs became one of the most important issues of the day. While American soldiers were needed in Europe they could not be sent there without adequate food and provisions. Napoleon once said that "an army travels upon its belly."

The State Council of Defense took up the question of food production, conservation, distribution and price-fixing with vigor. Owing to the enlistment of young men in the army from the farms as well as the cities there was a great scarcity of farm labor which seriously diminished farm planting. The Council of Defense issued a call for farm labor, and recruiting stations were established in public buildings and newspaper offices. It succeeded in getting the Federal Government to issue deferred classification to prospective drafted men engaged in agricultural work. The farm laborer was told that he could do as effective work for his country in the wheatfields or the hog-pen on an

Illinois farm as he could in the trenches in Europe. An elementary agricultural course was offered boys in over 700 high schools to fit them for farm work. In this way some 45,000 boys were enrolled in the reserve and about 21,000 were placed on farms. It is claimed that with these boys' labors, crops worth \$23,000,000 were raised, and that the boys earned in so doing \$1,200,000.

Owing to the outrageous increase in the cost of food products and coal, the Council of Defense recommended to the Government, Federal regulation of the prices of coal, food and other necessities of life. On August 10, 1917, Congress passed a Federal war food law which was more or less effective in preventing extortion. Under this law a Federal food administrator was appointed who divided the state into fifteen different districts under his deputies. A food conservation campaign was organized in 1917, during which 850,000 families signed conservation of food pledge cards. In Illinois a committee was appointed to ascertain what should be the fair retail and wholesale prices for food, and publish the same for the benefit of the public. This committee functioned successfully and the policy of ascertaining and publishing fair prices for food stuffs was afterwards adopted by the Federal Government. A great scarcity of sugar developed. The Illinois Division of the United States Food Administration promptly issued compulsory regulation for the wholesale and retail distribution of sugar, in May, 1918. The sale and distribution of wheat flour was also regulated by the Illinois Division of the United States Food Administration. An allotment of wheat flour was made to manufacturers and distributors. Rules were established for the conservation of the same in bakeries, restaurants and hotels. A department of investigation and enforcement was established in 1918 which summoned some 3,000 violators for discipline.

Excessive and exorbitant charges for coal in Illinois also gave the authorities much concern. The problem was first attacked by the State Council of Defense. The Council summoned the coal operators to a conference and laid before them a schedule of fair prices for coal. The operators protested the same and appealed to Washington. The efforts of the State Council, though energetic and persistent, to fix fair prices in Illinois



CENTENNIAL MEMORIAL BUILDING SEEN FROM THE STATE CAPITOL

were futile, and finally the President was forced to announce a schedule of mine prices fixed on the cost of production as found by the Federal Trade Commission. The local distribution of the coal in Illinois was regulated by the Illinois Branch, United States Fuel Administration. In every county in the state a fuel administrator was appointed and the State Council cooperated vigorously with the Federal authorities in enforcing the orders of the county fuel authorities.

Five of the Illinois delegation in Congress voted against the United States entry into the war. But when war was declared the President found that in the prosecution of the war to a successful issue, the whole delegation from Illinois, both in the House and Senate, were behind him to a man. Senator James Hamilton Lewis proved particularly efficient in that he had the President's confidence and accessibility and could readily acquaint the President with currents of political thought and action in Illinois. Medill McCormick, then a congressman-at-large from Illinois, was also very energetic and efficient in seeing that Illinois did its full war duty both in Congress and in the field. William E. Mason was one of the congressmen from Illinois who voted against the United States entering the war. Once war was declared, however, he vigorously and patriotically supported its effective prosecution. When attempts were made in the frenzy of war hysteria to suppress the constitutional rights of free assembly and free speech he showed great courage against these violators of fundamental law. In this course he was vigorously supported by William Hale Thompson, then mayor of Chicago, a prominent Republican who had a large and enthusiastic following in and around Chicago. Both Mason and Thompson had been adverse to our entry into the war, but after entry they favored the vigorous prosecution of same. When pacifists and socialists (and there were a few of these in Illinois as in other states) attempted to assemble in meetings and make speeches in favor of peace, they demanded their constitutional rights to be heard in Chicago and elsewhere. As the writ of *habeas corpus* and right of trial by jury had not been suspended they loudly insisted that they were acting strictly within their constitutional rights to assemble

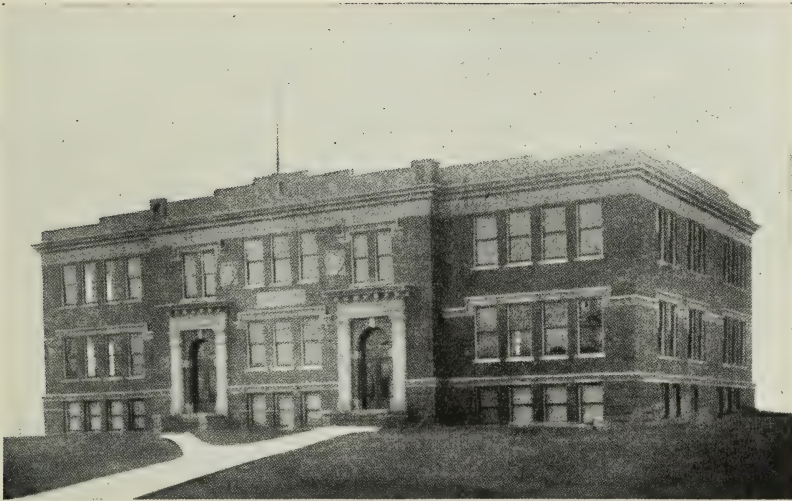
for the peaceful discussion of public questions. Both Mason and Thompson belonged to that school of thought and policy which favored giving them an opportunity to assemble in a peaceful manner and exercise the right of free speech. Governor Lowden and his admirers, however, belonged to another school of thought and action. Their motto was: *Inter arma leges ruunt!* (In the clash of arms the law has perished.) The citizens of foreign birth and descent gave the authorities no trouble. But the socialists and pacifists were not so quiescent, and insisted on their right to meet and be heard.

On May 27, 1917, a meeting was held in the Auditorium, Chicago, which called itself "a conference for democracy and terms of peace," and also held an overflow meeting in Grant Park. The overflow gathering was dispersed by a large force of police who vigorously clubbed the heads of many men and arrested others as war rioters. "The People's Council" was soon organized at Chicago, the most prominent leaders being Irwin St. John Tucker, Harriet Park, Seymour Stedman and Theodore H. Lunde, the avowed object being "to secure an early and democratic and general peace," etc. On July 7 a second "American conference on democracy and terms of peace" was held at Chicago. Congressman William E. Mason was the principal speaker. Later on, meetings of the People's Council were held in Chicago which were interfered with by the Federal authorities who made some arrests but did not make any criminal charges against the prisoners. On September 1 a convention of the People's Council was called to meet at Minneapolis. It was denied the right of assembly in that city and adjourned to Chicago. Mayor Thompson stated that he knew of "no law under the Constitution which abrogates the right of free speech by law-abiding citizens" and arrangements were made to hold the convention at the West Side Auditorium at Chicago. Some organization or group of citizens in Chicago called the attention of Governor Lowden to the projected meeting. He conceived it his duty to prevent the same. At first the governor attempted to act through the Chicago police force. Though Adj.-Gen. F. S. Dickson the police force were directed to disperse the

meeting. This was not done with much celerity. The organizing committee of the convention was in session and it was permitted to appoint a nominating committee which was authorized to act as an executive committee. Prof. Robert M. Lovett, dean of the junior college of the University of Chicago, was probably the most prominent of the eight members of that committee. Seymour Stedman, a prominent lawyer and Socialist of Chicago, was the chairman of the meeting, and he and other members of the committee requested that they be arrested so as to make a test case in the courts. However, no arrests were made. On September 2 (the following day) with the consent and under the protection of the city authorities another session of the Council was held at the West Side Auditorium, during which for about five hours speeches were made by Congressman Mason, ex-Senator John D. Works of California, Seymour Stedman, Dr. Judah L. Maques, Irwin St. John Tucker and others. In the speeches the convention was given the credit for inducing President Wilson to make a declaration of his war aims which seemed satisfactory to many of the speakers. While the convention was still in session, Chairman Stedman made announcement that the governor had dispatched troops to suppress the meeting, and advised the members of the conventions upon the arrival of the troops to offer no physical resistance, to obey the orders of the troops, and disperse quietly. After this announcement the delegates remained in the hall, listened to other addresses and committee reports, and adopted a resolution offered by Tucker endorsing the President's last statement of the war aims of the allies and urging the entente governments of Europe to make similar clear statements of their war aims. The meeting then adjourned peaceably while the state troops were en route between Springfield and Chicago, and what appeared for a time to many to be a situation dangerously leading up to a bloody and violent collision between armed troops and unarmed citizens attempting to assert civil constitutional rights, never happened.

The governor had before dispatching these troops on the road to Chicago attempted to prevent the holding of the con-

vention by securing the cooperation and assistance of United States General Carter, commanding the Central Department, Chicago, and Sheriff John E. Traeger, but for some reason or other had failed to secure the same. The attempted suppression of the convention by the governor with state troops and the failure or refusal of the national, city or county authorities to suppress the same gave occasion to institute comparisons and widespread discussions among citizens as to the justice and propriety of such suppressions or attempted suppression of such meetings. Both Mayor Thompson and Governor Lowden were commended by some and condemned by others. The radically different positions taken by them gave occasion to institute comparisons between their different courses and different political alignments took place within the ranks of the Republican party to which they both belonged. Bitterness between Lowden Republicans and Thompson Republicans soon developed at the primaries which resulted in Lowden's friends and admirers being elected to the Republican National Convention in 1920, from some of the congressional districts of Illinois and Thompson's friends and admirers being elected in other of these districts. Governor Lowden had become, before the holding of the convention, a much admired formidable candidate for the Presidency of the United States. He had great popularity and many powerful friends outside of the State of Illinois, and if he could have secured the solid vote of the delegates from Illinois his nomination for the Presidency by the Republican convention seemed like a foregone conclusion. The bitterness, however, which had developed between the friends of Governor Lowden and the friends of Mayor Thompson prevented the State of Illinois from presenting the name of its favorite son, Governor Lowden, backed by the unanimous vote of the entire Illinois delegation. General Wood and Governor Lowden were the two strongest contenders for the nomination with nearly equally-developed strength. On the fifth ballot Governor Lowden headed the poll. But on every ballot, seventeen votes out of the fifty-eight votes of Illinois were cast against Lowden at the instance of Thompson and his friends in Illinois. At the end of the



TYPICAL TOWNSHIP HIGH SCHOOL BUILDING

ninth ballot it became evident that neither Lowden nor Wood could be nominated, and Harding of Ohio, in a midnight hotel room conference, was agreed upon by the party bosses and nominated the next day in the convention. Had the seventeen votes in the Illinois delegation controlled by Mayor Thompson been cast on any ballot for Lowden his nomination would have been practically assured.

The efforts to suppress the right of free speech and of lawful, peaceable assemblage in Illinois during the war, was not the only cause of bitter controversy between citizens. As was the case during the Civil war, the hysteria of wartime frequently incited citizens who at other times would have been respectful of the civil rights of their neighbors into unjustifiable acts of violence and oppression. Certain volunteer workers of the American Protective League goaded and insulted persons whose only offense was the possession of a German name. Lynching parties clothed in broadcloth and fine linen were organized to deliver midnight lectures or a coat of yellow paint to neighbors who were branded as slackers. Others, who were tried and condemned without hearing, were given coats of tar, ridden on rails or beaten with whips or clubs. Private spites or race hatreds waved American flags while working out their enmities. "Vigilance Committees" and "Loyal Leagues" sprang up here and there and did most of their work after laboring hours in the dark. On April 5, 1918, at Collinsville, one of these mobs went so far as to hang a man named Robert P. Praeger, whose only offenses were his name and his profession of being a Socialist. This exhibition of lynch law shocked the governor and all of the law-abiding citizens of the state, and the governor made every possible effort to have the members of the mob punished, but without avail. The German government made much of this lynching outrage to the embarrassment of both President Wilson and Governor Lowden.

Long prior to this lynching of Praeger, Governor Lowden had taken notice of war-hysterical attacks on peaceful citizens and served notice on the mayors of Illinois cities that such outrages must cease. Upon the murder of Praeger he warned the

public officials in the southern part of the state that a recurrence of such a similar act would probably result in martial law.

The antipathy between the governor and his friends and Mayor Thompson and his friends which developed in September, 1917, at the time of the holding of the *Péople's Convention*, was brought to a head in the summer of 1918 when Mayor Thompson became a candidate for United States senator from Illinois. He was opposed by Congressman Medill McCormick, one of the owners of the *Chicago Tribune*, and Congressman George E. Foss. The *Tribune* and practically all of the Republican newspapers of the state backed McCormick. Thompson's friends started a campaign paper for him called the *Republican*, which was sold quite widely in and around the City of Chicago. The governor and the state administration worked vigorously for McCormick's election and much bitterness developed between the governor's friends and Thompson's friends, which continued down, as we have seen, to the Republican National Convention of 1920. The Chicago branch of the National Security League at this election bitterly opposed Thompson, Congressman Britten, Congressman Mason and Congressman King, all of whom had opposed our entry into the World war. The congressmen were all elected, but McCormick proved a better vote-getter than Thompson and was elected over Thompson and Foss.

We must not close this chapter on Illinois in the World war without calling attention to the fact that in the matter of furnishing the finances which enabled the country to replenish the depleted treasuries of Great Britain, France, Italy and Roumania, and place over 2,000,000 well-equipped and provisioned soldiers on the battlefields of Europe, the state of Illinois did more than its proportionate part. The citizens of Illinois during the war bought \$91,000,000 in war savings stamps, and purchased \$1,209,000,000 worth of Liberty bonds, and contributed to the war and relief organizations nearly \$43,000,000. With only 5.5 per cent of the Nation's population, Illinois assumed 7 per cent of the cost of the war.

Among the sons of Illinois who went across and saw active service in France and signally distinguished themselves were

General Dawes, later vice president, and now ambassador to Great Britain; Maj.-Gen. Joseph B. Sanborn, Maj.-Gen. M. J. Foreman, Brig.-Gen. John B. Clinnin and Col. Franklin A. Dennison, all of whom splendidly maintained the reputation of the soldiers of Illinois and upheld the honor of the state.

During the whole of his administration Governor Lowden acted with great vigor and energy both in the upholding of the hands of the President and Congress and in the matters of purely state concern. He succeeded in establishing a state budget, in enforcing economy, upholding the civil service, and in securing the passage of many useful and valuable laws.

Notwithstanding Governor Lowden's almost constant and assiduous duties in making the State of Illinois one of the most energetic states in the Union in upholding the President and Congress in the World war he was able to and did accomplish much in the local legislation and administration of the state.

Under Governor Lowden the Legislature in conformity with the recommendation of a legislative commission appointed by Governor Dunne, enacted a law consolidating the fifty or sixty different commissions theretofore created by past Legislatures into nine administrative departments of the state: 1. Department of Finance; 2. Department of Agriculture; 3. Department of Labor; 4. Department of Mines; 5. Department of Public Works and Buildings; 6. Department of Public Welfare, having control of charitable and penal institutions; 7. Department of Public Health; 8. Department of Trade and Commerce; 9. Department of Registration and Education. This was a wise and salutary law that ought to work both economy and efficiency. I tried to get such a law towards the end of my administration, but failed to get action from the Legislature.

Under Governor Lowden the Legislature also authorized the issuance of \$60,000,000 bonds for further development of road building and enacted a law abolishing private banks in the state.

The Legislature also enacted a law containing a new plan for the construction of a new water way between Lockport and Utica.

One of the wisest things it did under Governor Lowden was to abolish the antiquated and worthless State Board of Equalization and replace it with a compact board of five tax commissioners operating in the Department of Finance. This tax commission under Governor Small forced in 1929 a revaluation of all tax assessments made by the Cook County Assessors and Cook County Board of Review in 1928, in response to the complaints made by thousands of tax payers of unfair and inequitable assessments.

CHAPTER LXIX

ADMINISTRATION OF GOVERNOR SMALL

Len Small of Kankakee was elected governor in 1920 by a plurality of about 500,000 over his Democratic competitor, James Hamilton Lewis; and was reelected governor in 1924 by a plurality of about 340,000 over his Democratic rival, Judge Norman L. Jones. At the time of his first election there was comparative peace and harmony between the different elements of the Republican party. Shortly after Governor Small's first election, however, dissension arose between the governor and the *Chicago Tribune*, and the Republican attorney-general of the state, Edward J. Brundage, and his adherents.

Large appropriations sought for by the attorney-general for his office, were vetoed by the governor; and a factional war of extraordinary bitterness broke out between these Republican office-holders and their respective adherents. The *Chicago Tribune*, then as always, a powerful factor in Republican politics threw its power and influence against Governor Small and eventually instigated and brought about his indictment for alleged retention or misappropriation of public funds, not while he was governor, but while he was state treasurer in 1917 and 1918.

Thus the shocking spectacle was presented to the people of the state and nation of a powerful element in the Republican party backed by the state's attorney-general and the most powerful Republican paper in the Northwest, seeking to put in the penitentiary a man whom they had elected governor of the state a short time before. This situation developed over two years after the commission by Small of the alleged crime. From the inception of this feud until the end of Governor Small's second term of office, he, the governor, had as stormy and tempestuous a time as had any public official in modern times.



LEN SMALL, GOVERNOR, 1921-29
(Courtesy Illinois State Historical Library.)

During the pendency of this feud and litigation Small was nominated and reelected governor. In order to understand the points at issue in this controversy it is necessary to ascertain the responsibilities and duties of the state treasurer as designated in the statutes of Illinois and the construction placed thereon by Small's predecessors in the office.

The law of 1873 in force until July 1st, 1908, in relation to state treasurers provided (Chapter 130, Section 7, Re Statutes of Illinois) :

The state treasurer shall receive the revenues and all other public monies of the state, and all monies authorized by law to be paid to him, and safely keep the same.

Under this simply expressed law, state treasurers did as they pleased with the monies placed in their official care.

They charged themselves with the monies they received, and credited themselves with the monies they lawfully paid out; and at the end of their two-year term of office turned over the balance to their successor in office. What use they made of the monies in their custody, during their term of office, seemed to be nobody's business, so long as they turned over the balance between their receipts and lawful expenditures to their legal successors. It was claimed and generally believed that under this system the state treasurer's office was a "fat job." It was claimed and generally believed that state treasurers under this law and system, loaned out the state funds at a good rate of interest which interest was retained by the treasurers, or that they deposited the same at a remunerative interest in banks of their own selection.

In 1908, however, a weak attempt was made to remedy this situation and get some interest on public monies into the state treasurer's custody for the state by the enactment of a law which reads as follows:

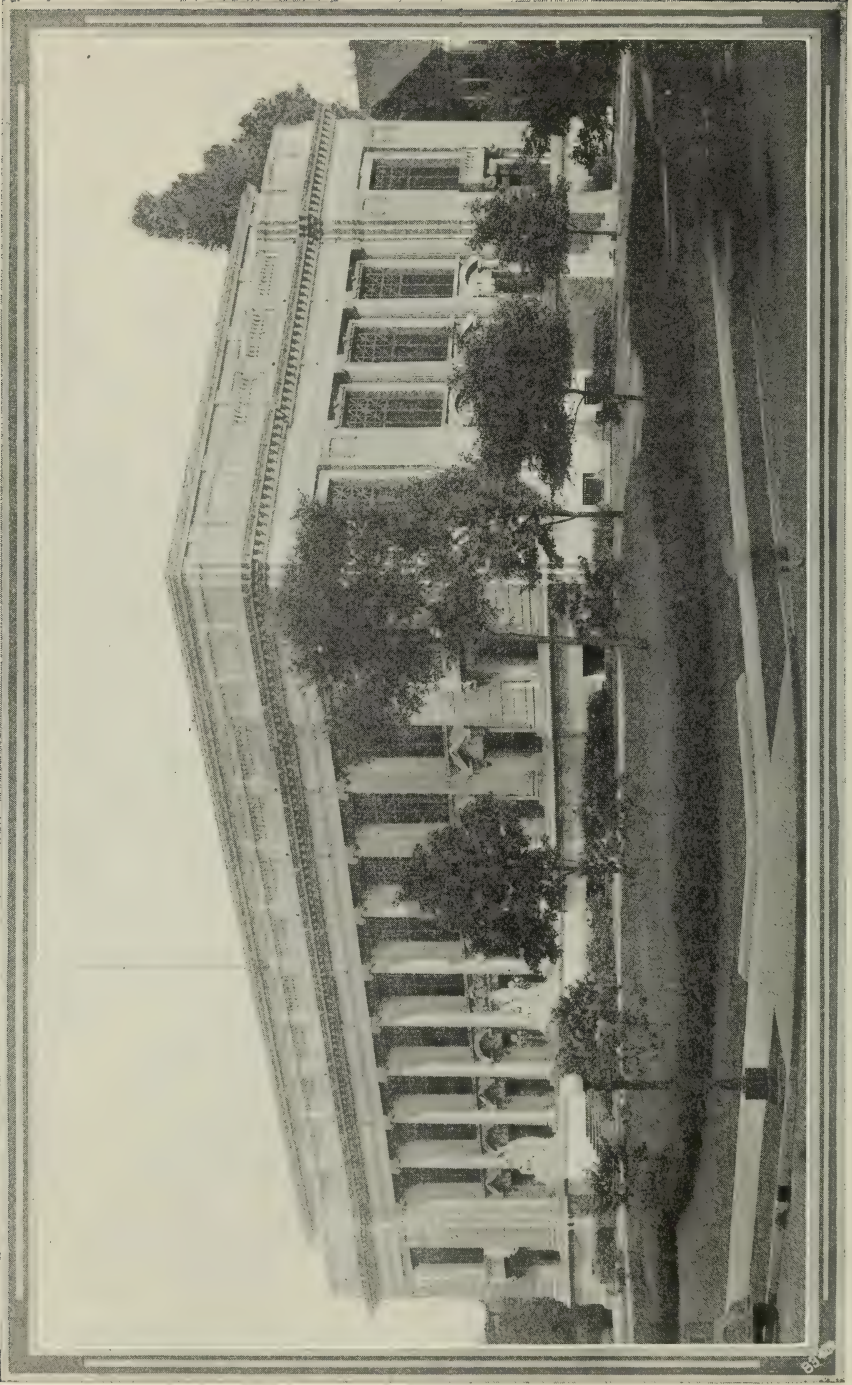
That the state treasurer shall deposit all monies received by him on account of the state within five days after receiving same in such banks in the cities of the state as

in the opinion of the treasurer are secure and which shall pay the highest rate of interest to the state for such deposits.

This latter law is probably unconstitutional. It was so declared by Judge Jones in the Circuit Court on the trial of the civil case against Governor Small, and his ruling and decision was not reversed by the Supreme Court.

After the passage of the law of 1908 state treasurers continued to deposit and dispose of the monies in the state treasury as they pleased, accounting at the end of their two year term to their successor in office by charging themselves with all public monies placed in their hands, crediting themselves with all monies lawfully paid out, and paying to him the balance with two or three per cent interest claimed by them to have been earned on money deposited in banks. Until Small's election as governor in 1920 no question was ever raised as to the legitimacy and regularity of such an accounting.

The state treasurers from 1907 to 1909 in this manner reported and accounted for \$169,514.97 interest on public funds. The treasurer during 1909 to 1911 reported \$90,306.42 interest on public funds. The treasurer during 1911 to 1913 reported \$166,221.93 interest on public funds. The treasurer during 1913 to 1915 reported \$180,935.93 interest on public funds. The treasurer during 1915 to 1917 reported \$142,614.31 interest on public funds. Treasurer Small during 1917 to 1919 reported \$450,010.12 interest on public funds before any civil or criminal proceedings were commenced against him. This was much more than twice the amount that any of his predecessors reported during the eight years preceding his incumbency. The reports of all these state treasurers were made to the various governors, the books and accounts audited by the state auditor, and no complaint was made as to their correctness. They were never challenged in any way until Small was indicted for conspiracy to defraud the state and a bill filed against him for an accounting on the same grounds as alleged in the indictment brought against him. In 1921 Attorney-General Brundage instituted civil and criminal proceedings against Small both charg-



SUPREME COURT BUILDING

(From *Illinois Blue Book*.)

ing him with a conspiracy with the Curtis Brothers to defraud the state out of its public monies.

The criminal suit was shortly afterwards placed on trial in Lake County before a jury of twelve men who rendered a verdict of acquittal.

The civil proceedings dragged along in the courts until February 26, 1926, when the Supreme Court of the state, two judges dissenting, held Small and two other defendants, Edward C. Curtis and Vernon Curtis, jointly and severally liable to the state not only for the two or three per cent interest usually paid by the banks for state monies deposited with them, but also for all interest collected by the Curtises from packers to whom they had loaned money at 4½ per cent, 5 per cent and 6 per cent, after Small had loaned or deposited with them monies from the state treasury. Small had already accounted for and paid over to the state the 2 per cent or 3 per cent which the Curtis Brothers had paid him from the state monies deposited by Small with them or their private bank called the Grant Park Bank.

The Supreme Court affirmed the judgment of the Circuit Court and held Small and the Curtis Brothers jointly and severally liable for these interest collections made by the Curtises; but ordered the case remanded for an accounting as to the exact amount of the interest paid by the packers to the Curtises or the Grant Park Bank.

On this accounting it was finally agreed between the attorneys for the state and Governor Small that the amount of such interest paid by the packing companies (Armour, Swift, Cudahy and Wilson) to the Curtis Brothers, or the Grant Park Bank was \$650,000.

In reaching the agreement, however, the state by its attorney-general signed an extraordinary stipulation the fourth clause of which reads as follows:

Fourth: It is further stipulated and agreed by and between the parties hereto, that the evidence in this cause fails to establish that the defendant, Len Small, received any sum or sums of money whatsoever as interest upon public funds for or during his term of office as state treasurer, except such sums as he has already accounted for and

paid into the state treasury of this state, and that the liability of the said defendant, Len Small, in this cause is solely for interest received by the other defendants herein; and it is agreed that a finding to this effect be embodied in the report of the master in chancery and the decree of the court herein.

This stipulation was made a part of the master's report and of the final decree in the case; and pursuant to this decree Small paid into the state treasury in addition to the \$450,000 he had already charged himself with as interest and paid into the treasury, the additional sum of \$650,000 *which the decree declares he never received from the packers or the Curtis Brothers.*

Both suits against Governor Small attracted widespread attention, both among the people and in the newspapers.

The majority opinion of the Supreme Court required forty-two pages of the *319 Illinois Reports* to explain to the world why Small should be held accountable for the Curtis loans to the packers and it required over 100 pages for the two dissenting judges to explain to the public why Small should not be held civilly liable for a dollar.

Charged with a conspiracy to defraud the state (a felony) in the Criminal Court Small is found not guilty.

Charged with a conspiracy to defraud the state (a felony) in the civil court *arising out of the same acts*, he is found guilty and made to pay \$650,000 for his offense although the same civil decree declares he did not receive a dollar of the money of which the state was defrauded.

How Small could have preserved his equanimity and administered his public duties, and attended to his private affairs during the seven years of this litigation is a mystery; and yet the record of his administration as governor shows considerable material accomplishments during his term of office.

When I was governor during the years 1913 to 1917 the State of Illinois was twenty-third or twenty-fourth among the states of the Union in the matter of substantial road building. With the support of the Legislature my administration entered upon a vigorous campaign of road-building. We secured the passage of a law (the Tice road building law) for the coordina-

tion of the efforts of the state, counties, township and nation road building. We built hundreds of miles of hard roads up to the limit of the finances at our disposal. We were rapidly "pulling Illinois out of the mud" and out of the disgraceful position she occupied among her sister states. Governor Lowden, my successor, continued vigorously the good work, and succeeded in having a law passed authorizing the issuance of \$60,000,000 bonds for road building. His road building department vigorously pressed the work of road building.

Shortly after Governor Small's election in February, 1921, he took up this work of road-building and advertised for bids for the construction of a large mileage of 18-foot concrete pavement. The bids ranged from \$40,000 to \$45,000 a mile. All were rejected because they were excessive. New bids were afterwards solicited and 414 miles of road were built in the year 1921 at a cost of about \$30,000 per mile. In the following year 1922 under Small 741 miles of pavement were constructed by the state or by counties under state supervision. Of this mileage 547 miles were constructed on the state bond issue system. In 1923 over a thousand miles of hard surfaced roads were constructed in Illinois of which 858 miles were located on the state bond system. In 1924 all records of road building in Illinois (and it is claimed by some) in the world, were broken in the way of road building. In that year 1,230 miles of hard surfaced roads were constructed in Illinois of which 1,018 miles were located in the state bond issue system. In 1924 the governor recommended to the Legislature the passage of a law authorizing the issuance of \$100,000,000 road building bonds, the principal and interest on the same to be paid out of motor license fees. This law was designed to complete the original \$60,000,000 state bond system and to enlarge it by building 2,000 to 3,000 additional miles of roads. The Legislature passed the law and road building continued.

During 1925 some 906 miles of hard surfaced roads were built, 787 of which were on the state bond issue system.

During the year 1926 some 464 miles of hard surfaced roads were built, 368 of which were on the state road bond issue.



CAIRO-VANDALIA HIGHWAY NEAR COBDEN
(From *Illinois Blue Book*.)

During the year 1927 the first contracts were let on the \$100,000,000 bond system and 668 miles of hard surfaced roads were constructed of which 523 miles were on the state bond issue system.

During the year 1928 the last year of Governor Small's eight-year administration, 1,293 miles of road were built of which 1,070 miles were state bond issue roads and 223 miles were state and roads built by the counties under state supervision. It has been the boast of the Small administration that in two years of the same (1924 and 1928) it broke the world's record in the yearly construction of hard surfaced roads—over 1,100 miles of hard surfaced roads were built under the administration preceding Small's. At the end of Small's administration 7,777 miles of completed modern constructed roads were in service in Illinois and maintained by the state.

Waterway Construction Under Small.

After Small's election in 1920 but before his inauguration a contract had been let by the Lowden administration for the building of the Marseilles Lock, a part of the waterway construction. This contract was completed under the Small administration at a cost of \$1,269,283 in 1923. Proposals had also been made during Lowden's administration for the construction of the Starved Rock Lock and Dam, the lowest being for \$2,825,040. This bid was rejected by Small as excessive. In 1926 a contract for this work was awarded under Small to Wood Brothers Construction Company for \$1,475,832. On going out of office in January, 1929, Small reported that 85 per cent of this work had been completed.

In 1923 Engineer Barnes in a detailed estimate reported to the director of public works that it would cost to complete the waterway about \$1,900,000. Contracts for the performance of most of the other work in the waterway were let by Small.

When going out of office in January, 1929, Governor Small reported that \$9,795,066.75 had been paid out for construction and that bonds for \$10,000,000 still remained in the state treasury unsold. At the same time he reported that "according to the latest estimates, the total cost to complete the Illinois section of

the Lakes to the Gulf Waterway will exceed by about \$3,500,000 the proceeds of the \$20,000,000 bond issue authorized by vote of the people twenty years ago."

Gasoline Tax.

Governor Small was instrumental in having the Legislature enact a law in 1927 providing for a tax of two cents per gallon on gasoline used for propelling motor vehicles on the public highways. The law provided that one-half the proceeds of the tax should be used for the completion of the state bond issue roads, and the other half should be allocated to the counties, to be used in building state aid or secondary roads under the general supervision of the state authorities.

The law was passed and went into force; but for some technical reason was declared unconstitutional by the Supreme Court. The Legislature afterwards under Governor Emmerson passed a similar law which it is believed will overcome the constitutional weakness of the former law. In substance, the law is fair and just. It is only right that those who use and wear out the roadways should pay for the construction and maintenance of these highways in proportion to the actual use made of same. That actual use can best and most accurately be determined by the consumption of the motive power—gasoline.

Efforts to Remedy Inequality of Taxation.

The inequalities of the valuation of property and the gross favoritism shown in the assessment of taxes in the State of Illinois have been a scandal and disgrace to the state for many years past. When I was governor I endeavored to have the Legislature pass a law abolishing the State Board of Equalization and the creation of a Central Board of Taxation which would set in open and continuous session the whole year round; and which would have the power upon complaint of any citizen to hear in open session a charge of over-assessment or under assessment of property, and reassess same.

I failed to induce the Legislature to pass such a law. Governor Small was even more persistent than I was in demanding tax reform. In three different messages to the Legislature

during his eight-year term he called the attention of the Legislature to tax inequality and asked for legislation correcting same.

The outcry of indignant taxpayers became so widespread and insistent in Cook County in 1928, that the State Tax Commission ordered a reassessment in Cook County and reported to the governor that it had made such an order and its reasons therefor in the following language:

"Early in 1928 the Tax Commission issued an order to the Board of Review and the Board of Assessors of Cook County to publish the 1927 real estate assessments in an intelligible manner. The order directed the local officials to identify property in such publication insofar as possible by street and house numbers. The records will show that there was remarkable hostility and opposition on the part of the responsible authorities to the execution of the order issued. The legal authority of the commission to issue such an order and the legal authority of the assessing officials to publish their assessments in an intelligible manner was questioned.

"There was a deplorable amount of turmoil incident to the collection of taxes in Cook County around May 1st, 1928. The commission was deluged with thousands of bitter complaints of unreasonable and illegal discrimination in assessments. These complaints, with the comprehensive fund of information which had been previously presented, demonstrated to the commission beyond any reasonable doubt that gross and extensive inequalities existed in the 1927 assessment in Cook County. The commission acted, to the extent of its powers, to grant relief to over-assessed property owners by ordering the complete reassessment of real estate in Cook County for the year 1928. The legal authority of the State Tax Commission to issue such a reassessment order was at once questioned by the Cook County assessing authorities. Their contentions were supported by an opinion of the attorney-general.

"This resistance and antagonism to the order for publication and to the order for reassessment is a matter of record. It took the form of objections upon legal grounds. It led promptly to a strongly supported petition to the governor to call a special session of the Legislature. Such a session was called for the purpose of clearing up the alleged defects in the law. The purpose was to remove the

grounds for objections on the part of taxing officials in Cook County without waiting for judicial decision thereon.

"Members of the Legislature who participated in that special session are entirely familiar with the purpose of the session and with the dispatch with which this purpose was carried out. The order of the Tax Commission to reassess all real estate in Cook County was reissued in July, 1928. It was supplemented by the issuance of rules and regulations to govern the appraisal of property for the reassessment. The rules and regulations were designated as rule fourteen. Since the reissuance of this order the power of the commission has been attacked in the courts. This attack was not sustained in the lower court. An appeal thereon is now pending before the Supreme Court.

"Acting promptly upon the request of the Board of Assessors, the Board of County Commissioners of Cook County made the necessary appropriations for the reassessment. The original reassessment order was issued in May, 1928. The special session of the Legislature was held in June. The original reassessment order was confirmed in July. The record will show that the Board of Assessors of Cook County did not get down to work upon the actual task of appraising property for the reassessment until nearly the first of November.

"I am calling these facts to your attention because the record will show that upon December 17th, 1928, at a meeting held in Cook County, the assessing, reviewing, extending and collecting authorities in Cook County maintained that they could not carry out the reassessment order and prepare the tax bills for collection thereon before September 1st, 1929. This is four months later than the date set by law after which unpaid real estate taxes bear interest of one per cent a month.

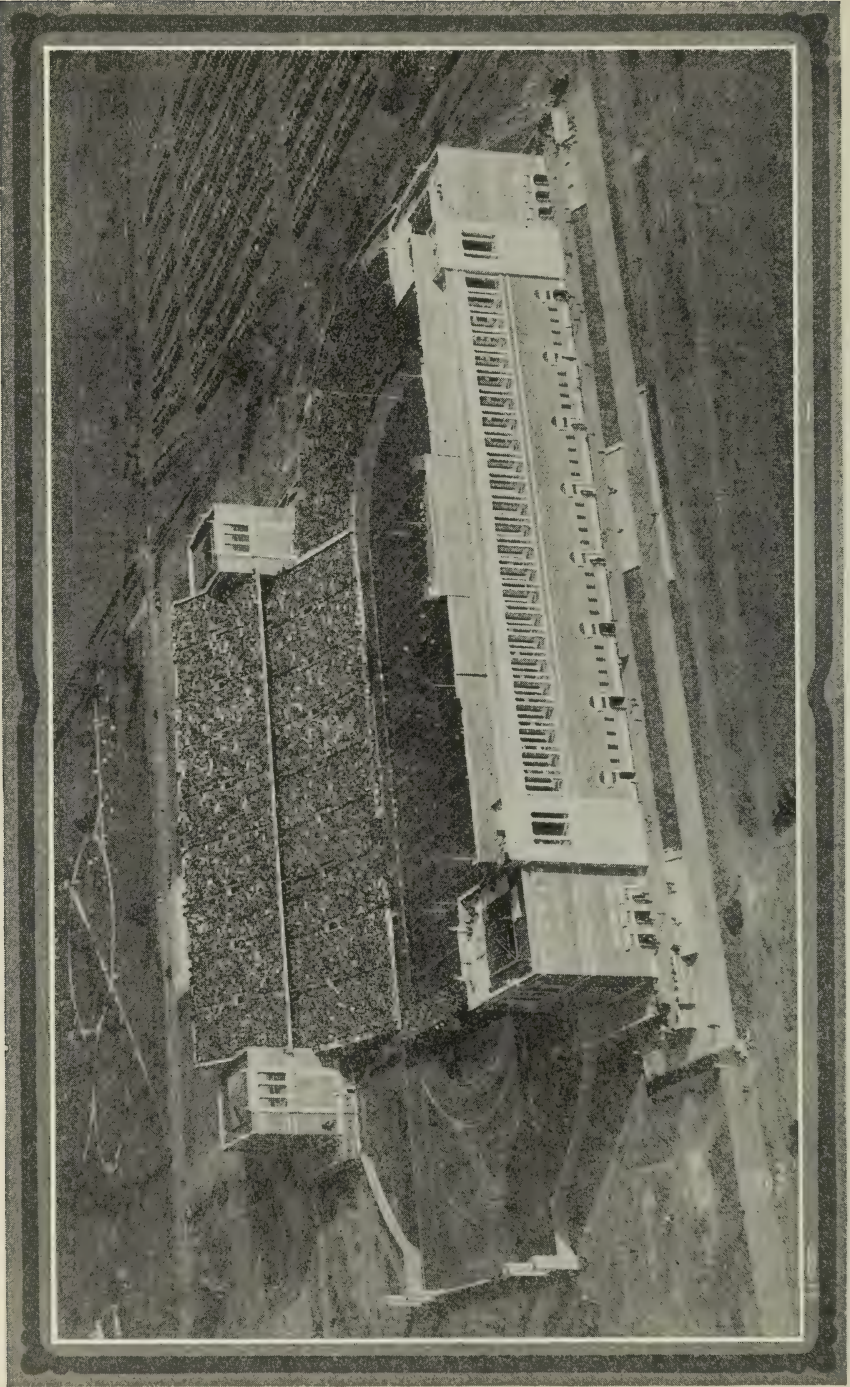
"If this result actually transpires in Cook County in 1929, I wish to call your attention now to the fact that such a condition will be due entirely to the failure of the local assessing authorities in Cook County to act promptly in carrying out the reassessment order when issued. If this delay in the collection of taxes in Cook County occurs, and if it results in serious consequences to the local governments, it will not be because the State Tax Commission issued an unreasonable order or because it issued a reasonable order at an unreasonable time. The record will show that whatever misfortunes result from the delay in the collection of taxes will be due directly and solely to the

dilatory tactics of the Cook County assessing authorities in proceeding to carry out a reasonable and legal order issued at a reasonable time.

"All the turmoil, distrust and discrimination, incident to assessment administration in the various counties of the state, convinces me that the Legislature at this session, should enact the necessary legislation to effect a drastic re-organization of our local assessment machinery and our revenue laws."

The statements made to the governor by the chairman of the State Tax Commission have been amply confirmed by what has occurred since that time. Thousands of citizens who had been unfairly over-assessed as compared with other citizens for the taxes of 1927 filed complaints on or about May 1st, 1928, with the State Tax Commission. Upon investigation it was found that the Board of Assessors and the Board of Review had made assessments by the hundreds, if not by the thousands, which were grossly excessive or grossly insufficient which worked great injustice to the general run of taxpayers. This resulted from the inefficient and unsystematic methods in the offices of the Board of Assessors and Board of Review and but too often from favoritism shown by the public officials actuated by personal, political, business or financial reasons. Assessments were not made in open board meetings, but each assessor or member of the Board of Review took charge of certain territory allotted to him and each one of these public officials in the privacy of his own office considered what assessments should be made in the property allotted him—as a result each of these public officials became a person of much interest to the taxpayers in his allotted district. If he happened to be engaged in the coal business he was inundated with orders for coal, if a lawyer his office was soon crowded with clients, if a real estate dealer or banker his remunerative real estate or banking business began to jump by leaps and bounds. These clients or customers were not ignored or treated brusquely if they complained that their properties were over-assessed.

This condition finally led to such a clear open and widespread discrimination in the assessments on property that the



MEMORIAL STADIUM, UNIVERSITY OF ILLINOIS
(From *Illinois Blue Book*.)

State Tax Commission rightfully and properly ordered a complete reassessment of real estate in Cook County for the year 1928.

This order if carried out honestly and fairly would have the effect of wrecking the scandalous and malodorous system of real estate assessment which had prevailed for many years in Cook County. The Board of Assessors and Board of Review instead of complying with the order of the State Tax Commission resorted to all sorts of shifts and devices to avoid compliance with the order. If these boards of public officials had promptly and energetically complied with the order when issued the reassessment could have been completed within six to eight months. These public officials, their friends and backers and the political machine behind them hoped to evade by legal and technical objection compliance with the orders and by their devious and dilatory conduct they delayed the collection of the 1928 taxes until some time in July, 1930.

As a result no taxes were paid to the City of Chicago, County of Cook or the Board of Education from May 1st, 1928, until July, 1930, and the governmental functions have been exercised by its public officials on money borrowed on the credit of the city and county until that credit was exhausted and the employees of the city and county were unpaid and in great distress.

The prime responsibility for this shocking situation rests upon the Board of Assessors of Cook County and its Board of Review whose unfair and discriminatory assessments forced the order for reassessment and whose procrastination, subterfuges and delays prevented the reassessment ordered and demanded by the public. Governor Small stood firmly behind the State Tax Commission in making the order for reassessment and sustained it in the course it pursued.

Traction and Street Car Fares in Chicago.

Under Governor Small's administration the Illinois Commerce Commission appointed by him entered an order seeking to compel the Chicago traction companies to carry passengers at the 5-cent rate fixed in the ordinance of 1907. The companies invoked the jurisdiction of the Federal Court which en-

tered a decree restraining the commission from enforcing the order.

Upon a later hearing and the taking of further testimony the commission on July 6th, 1922, entered an order requiring the traction companies to carry adults at six cents and children at three cents.

Again the traction companies found a friendly refuge in the Federal Court. Two of the judges in that court joined in restraining the Commission from enforcing the order of July 6th, 1922. The third judge of the Federal Court dissented and expressed himself as favoring the six-cent fare.

On May 15th, 1928, at the request of many citizens Governor Small convened a special session of the Legislature to give it an opportunity to pass any legislation which might be necessary to enable the city to affect a settlement with the traction companies over their franchises which had expired on February 1st, 1927.

In his special message to the Legislature he stated:

I am firmly and unalterably opposed to the enactment of any law which would make possible the granting of a franchise for an indefinite or a perpetual period of time.

Upon the convening of the Legislature certain bills were introduced in the Legislature the general purport of which was to facilitate the grant of a long term indeterminate franchise to the present companies in a consolidation of the same with the elevated road or roads controlled by the Insull interests, but no legislation was passed on this subject at this session:

The Election and Rejection of Frank L. Smith as U. S. Senator.

During Small's second term as governor in 1926 took place an election for United States senator from Illinois to succeed Senator William B. McKinley whose term would expire on March 4, 1927. At the republican primary there were two candidates, Senator McKinley and Frank L. Smith.

The primary election resulted in Smith beating McKinley by a vote of 366,464 to 312,289. George Brennan was selected at the Democratic primary. At the run-off in the general elec-

tion Smith was opposed by Brennan, the Democratic nominee, and by Hugh S. Magill, a Republican who ran as an Independent.

The result of the general election was the choice by popular vote of Smith, the vote for the three candidates being as follows:

Smith, 842,273.

Brennan, 774,843.

McGill, 156,245.

The election of Smith was certified to the United States Senate by the election officials of Illinois in due form. Rumors prevailed that a large amount of money was illegally and corruptly expended both in the State of Illinois and the State of Pennsylvania in the senatorial elections of 1926. These rumors reached the United States Senate which promptly appointed a committee of investigation. A sub-committee soon sat in Chicago, presided over by Senator James A. Reed of Missouri. It developed at the hearing that Smith had expended \$253,547 in his campaign (almost the identical amount afterwards expended in Mrs. Medill McCormick's primary campaign in 1930) and that \$125,000 of this amount had been contributed by Samuel Insull, the public utility magnate, who also contributed liberally to the campaign fund of Brennan, the Democrat. Smith when he became a candidate was the president of the Illinois Commerce Commission, having jurisdiction over public utilities in the state, but resigned from that position during the campaign.

Smith presented his certificate of election in due legal form to the Senate, but was refused the right to be sworn in as the senator from Illinois. The matter of the *prima facie* right of Smith as well as his final right to take his seat in the Senate was referred to the committee "on privileges and elections" for investigation and report.

Pending the action of this committee Senator McKinley died on December 7, 1926. On December 18th following, Governor Small of Illinois appointed Smith to the United States Senate to fill the unexpired term of the late Senator McKinley until March 4, 1927.

The United States Senate committee on privileges and elections reported that the certificate of election of Smith was in due and correct form, but finally the Senate in 1927 refused

Smith the right to be sworn in or to take his seat in the Senate as the duly elected and appointed senator from Illinois

In so doing I believe the United States Senate established a new and dangerous precedent. It had the undoubted right to expel any member from membership in its body for any reason that would commend itself to two-thirds of the Senate. But Senator Deneen and many other senators contended, and I think rightfully, that the practice of the Senate in the past had been to administer the oath to a senator-elect or designate when he presented himself at the bar of the Senate with credentials in due form; and then to refer any charges against him to the committee on "privileges and elections." Under this practice and procedure a state is not denied its constitutional right to representation in the Senate by two senators when a matter of great importance to that state arises in that body. When the question as to whether a man it had duly and legally chosen as its senator should be recognized as one of its representatives in the United States Senate came up for determination in the Smith case, the State of Illinois was denied that right to cast its two votes in the Senate of the United States as secured to it by the Federal Constitution.

Smith should have been legally expelled by the Senate after he had been seated and allowed to vote and be heard in his own defense. The refusal to accept duly and lawfully executed certificate of elections and to swear in a senator presenting the same may be hereafter cited to justify the denial of representation of a sovereign state in the United States Senate.

A duly elected and certified senator from Mississippi may be refused his seat because the black men in the state were not permitted to vote. A "dry" senate may refuse to accept the credentials of a senator from a "wet" state, or a wet senate may reject the credentials of a senator from a dry state, in which event great and sovereign states will be unfairly denied representation in the Senate. The rejection of the duly and legally executed credentials of Smith from Illinois and Vare from Pennsylvania may hereafter as precedents work much trouble for the states in securing their constitutional rights of representation in the Senate of the United States. While I have

no sympathy to waste on Smith because of the results to him, I fear that the method adopted to deprive him of his seat in the Senate may afterwards operate to the injury of the sovereign states of the Union whose supposedly sovereign rights are being from time to time trimmed by arbitrary Federal executives, Supreme Court interpretations of laws and new rulings in the Senate of the United States.

CHAPTER LXX

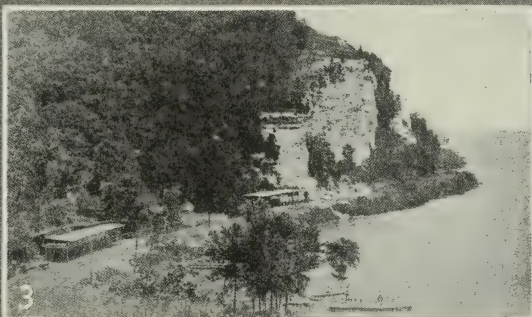
THE PROPOSED CONSTITUTION OF 1922

Its Defects and the Causes of Its Overwhelming Defeat.

When a man once enters public life it is not always easy to withdraw completely from public activity. After his retirement from public office, when public questions of importance arise his opinions are often sought and great pressure is sometimes used to get a public expression of his views and his active participation in public controversies. During the term of my successor, Governor Frank O. Lowden, there was considerable agitation for the adoption of a new constitution, in which I did not participate. My own view was, when I was governor and it is now, that the Constitution of 1870 was a rather valuable fundamental law as a whole, but that a few amendments to same were badly needed, the most important of which was the revenue article and the clause relating to the amendment of the constitution.

The clause relating to the amendment of the constitution is so narrow and restrictive in its character as to make it very difficult to amend that instrument. The provision which is subject to this criticism reads as follows: "The General Assembly shall have no power to propose amendments to more than one article of this constitution at the same session, nor to the same article more than once in four years."

The effect of this restrictive language has been that frequently in the Legislature, two, three, four or even more members having resolutions to amend one or more articles of the constitution would offer their different resolutions at the same session. As only one article could be amended at that session, each of the members fought for preference for his resolution. The one succeeding antagonized all the others and incurred their enmity both in the Legislature and before the people on election



BEAUTY SPOTS IN ILLINOIS

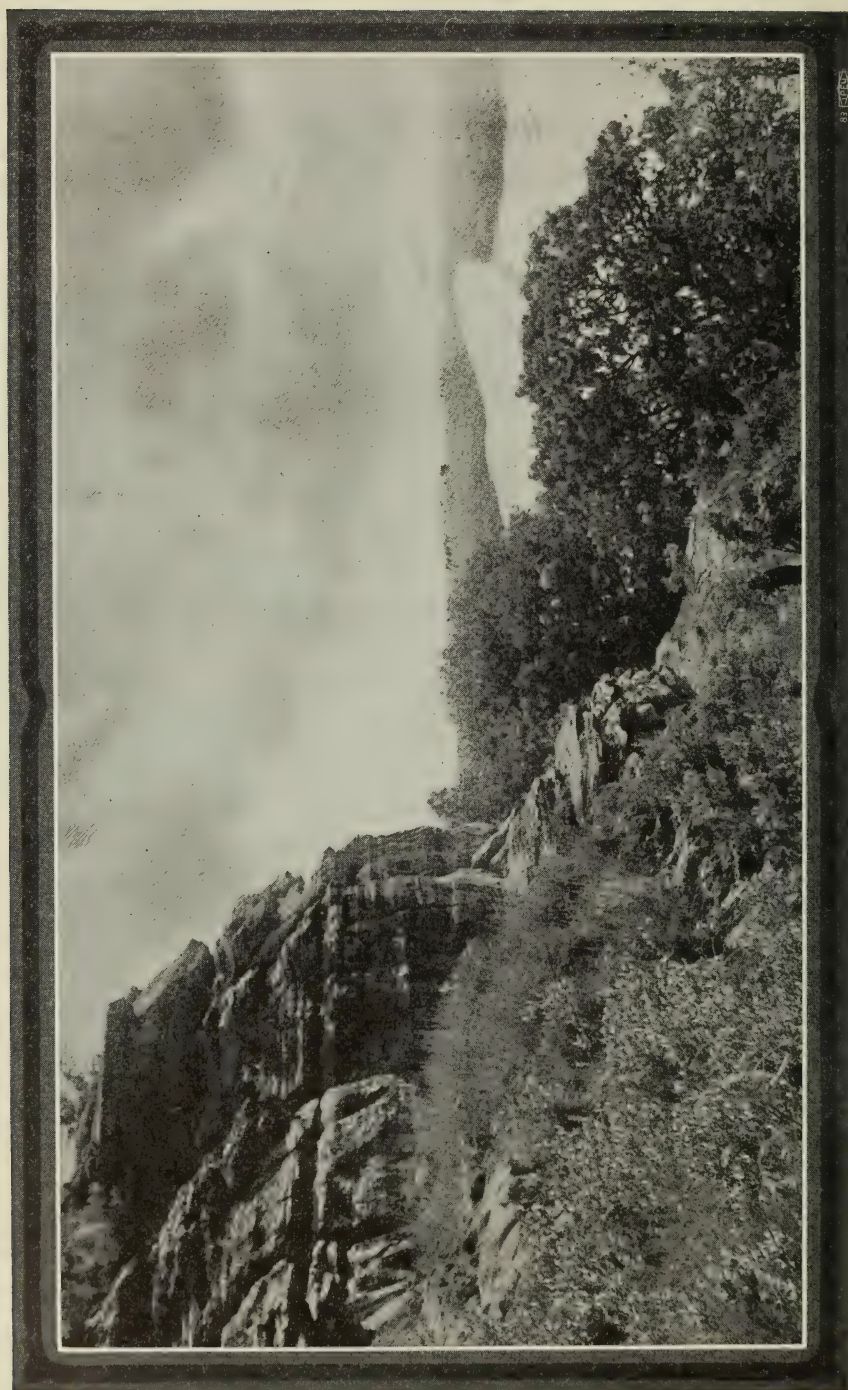
Glen Fern, Johnson County; Lotus Pond near Chillicothe; Piasa Chautauqua;
Rock River from Castle Rock, Grand Detour.

day. In my judgment, the thing most required in connection with the Constitution of 1870 was the amendment of the amendment clause, so as to enable several amendments to be considered and adopted at the same session, and more often than once in four years.

The Legislature under Governor Lowden, at the insistence of the *Chicago Tribune* and others, provided for a constitutional convention which met January 6, 1920. It organized promptly and was engaged on and off for over two and one-half years in framing a constitution which its members believed would be adapted to the requirements of the citizens of Illinois in 1922.

The convention had among its members some very able men, among them being Rufus C. Dawes, Frederick R. DeYoung, David E. Shanahan, John E. Traeger, Levy Mayer, Abel Davis, Morton D. Hull, Charles S. Cutting, Henry I. Green, ex-Gov. Joseph W. Fifer, Oscar E. Carlson and William M. Scanlon. On September 12, 1922, by a vote of 77 yeas to 1 nay, it adopted a form of new constitution and fixed the day for the submission of the same to the people on December 12, 1922. The convention went further. It appointed a committee on "Submission and Address," composed of able men and adroit politicians, Henry I. Green, of Urbana, chairman, and the following members: R. H. Brandon, David E. Shanahan, Lewis A. Jarman, Charles H. Hamill, Arthur M. Smith, William Gauschon, Cicero J. Lindly, Abel Davis, Oscar Wolff, Edgar E. Fyke, George A. Barr, Edward H. Morris, William J. Sneed and Martin J. O'Brien. It will be noted that on this committee were some of the most influential leaders of the Democratic and Republican parties. This committee promptly established headquarters at Urbana, and with public funds at its disposal printed and circulated over 1,000,000 copies of the proposed constitution and an adroitly-worded address, signed by the committee, recommending in artful and persuasive language the adoption by the people of the proposed constitution. Justice O. N. Carter, one of the justices of the Supreme Court, headed a committee of so-called prominent citizens, who undertook the work of organizing the great body of the electorate into an organization to carry out ratification of the proposed constitution. I early secured a

copy of the proposed constitution and found that it contained a gross betrayal of the rights of the citizens of Cook County to proportionate representation in the Legislature; and, worse still, a gross betrayal of the rights of the citizens of Cook County to proportionate representation *in all future* constitutional conventions. In some provisions the proposed new constitution improved upon the Constitution of 1870, but in the bill of rights and in many other places the proposed constitution was inferior to the Constitution of 1870. Judge Carter asked me to become a member of his citizens' committee, but I refused and pointed out to him my objections to the proposed constitution, and told him he was making a grievous mistake and that I would take the platform and denounce it, as it deserved. If ever a plan was adroitly devised to put over a constitution upon an uninformed people it was this plan. The convention did not disclose its completed work until September 12. The day fixed for the popular vote was December 12, only three months from the completion of the work. How the able men in the convention could have agreed with practical unanimity upon such an instrument as the fundamental law of a great state, I could not understand. The committee on "Submission and Address," with the liberal expenditure of public funds, promptly began to flood the mails with their propaganda. All the Chicago papers (except, to their eternal credit, the *Journal* and the Hearst papers) ballyhooed for the adoption of the new constitution. Both political machines seemed committed to its adoption. Learning that the then Democratic "boss," George E. Brennan, and Martin J. O'Brien, the secretary of the Democratic organization (who was a member of the constitutional convention and a member of the committee on "Submission and Address" and who had signed both) were about to rush through a resolution before the Cook County Democratic Committee, endorsing the proposed constitution, C. S. Darrow and myself appeared before the committee and demanded the right to be heard on the question. After some delay and demur, we were given the right to address the committee. Both Darrow and myself were given a fair hearing, the result of which was a complete rout of the original program and the passage of a resolution condemning the proposed constitution.



VIEW ALONG BLACK HAWK TRAIL NEAR DIXON

The Hearst papers and the *Chicago Journal* opened up a vigorous campaign against the proposed constitution and exposed its enormities and blunders in scathing editorials. The Chicago Federation of Labor was quick to discover and expose its infirmities. A few earnest men who had thoroughly acquainted themselves with the provisions of the proposed constitution and discovered its dangerous character, met in the Morrison Hotel and organized a committee to oppose the adoption by the people of the proposed constitution. At their request I acted as chairman of their executive committee. Among these were the ladies and gentlemen whose names appear on the address to the people published by our organization, the People's Protective League, hereinafter set forth.

With the cordial and hearty support of the Chicago Federation of Labor and other labor and progressive organizations throughout the state, and the forceful assistance of the Hearst papers and the *Chicago Journal*, the members of the committee including myself took the stump in the City of Chicago and down state and in hastily-called mass meetings exposed the weaknesses and infirmities of the proposed constitution. We pointed out that the provision of the constitution of 1870 declaring that "the right of trial by jury, as heretofore enjoyed, shall remain inviolate" had been emasculated and changed in the proposed constitution. We further called their attention to the fact that the section of the bill of rights in the old constitution reading "All persons shall be bailable by sufficient securities, except for capital offenses" had been eliminated in the proposed new constitution. Also we emphasized the fact that under the proposed constitution an income tax could be levied and that if such a tax was levied the exemptions allowed were as follows: "from income derived from personal service of not to exceed \$1,000, to the head of a family . . . and not to exceed \$500 to any other person." In other words, if an income tax was levied as proposed by the new constitution, every unmarried nurse girl, cook and chamber maid would be compelled to pay an income tax upon all she earned in excess of \$500 a year and that every laboring head of a family would have to pay an income tax on all he earned over \$1,000 a year. The

placing of this exemption provision in the fundamental law of the state deprived the Legislature that would enact the law of the right for all time of fixing reasonable exemptions.

We pointed out to the people in the short time that elapsed between the publication of the proposed constitution and the day of election numerous other defects in the constitution, but none of them of the vital importance of the two which I will now mention.

Section 23, Article III, of the proposed constitution provided that on and after its adoption the state should be divided "into fifty-seven senatorial districts each of which shall elect one senator, and into 153 representative districts, each of which shall elect one representative." It further provided that the County of Cook should be divided into nineteen senatorial districts and no more, and that the rest of the state outside of Cook County should be entitled to thirty-eight senatorial districts. In other words, under the provisions of the proposed constitution Cook County, which had about 45 per cent of the population of the state, was to be given about 33 per cent of the representation of the people in the Senate of Illinois. This provision was drafted by the constitution makers with full knowledge that the County of Cook was constantly increasing in population at a greater ratio than the rest of the state, and to deprive Cook County of fair proportionate representation. The Legislature, by refusing to reapportion the state as required by the Constitution of 1870, had been denying the people of Cook County fair representation for about twenty years and the constitution framers of 1922 made up their minds to go the Legislature one better and make disproportionate representation of Cook County in the Senate of the Illinois Legislature permanent. How these shrewd, able men in the constitutional convention could believe that so unjust a scheme of representation could obtain popular approval at the polls is a matter of wonderment.

But this was not the whole of the injustice which would have been inflicted upon the citizens of Chicago and the County of Cook by this handiwork of the constitutional convention. Article XIV of the proposed constitution, on *Amendment to the Constitution* provided for the representation to be given to the

people of the state in any constitutional convention which should be held after the proposed constitution of 1922 would be adopted.

Not content with disfranchising to some degree the citizenry of Cook County in the Senate of Illinois under Article III of the proposed constitution of 1922, the constitution framers in Article XIV of the proposed constitution further partially disfranchised the people of Cook County by unfair apportionment in all future constitutional conventions.

Article XIV of the proposed constitution of 1922 provided that if any constitutional convention should be called in the future, that the Legislature "shall provide for a convention to consist of twice the number of the members of the Senate, to be elected in the same manner, at the same places and in the same districts as senators, plus seven members to be elected at large from the County of Cook."

Let us examine how this crafty language works out when reduced to figures: Whole number of members to be elected is twice the total number of senators, or 114 members of the constitutional convention; Cook County gets (38 plus 7 at large) or 45; counties outside of Cook County get 69. At the November election of 1928, Cook County cast about 49 per cent of the total vote of the state for Hoover and Smith for President; and in the November election of 1930 Cook County cast considerably more than 50 per cent of the total vote in the state. Yet the above apportionment would have given Cook County in all future constitutional conventions a little less than 40 per cent of the delegates, while the counties outside of Cook County would have slightly over 60 per cent of the delegates.

I felt keenly that the adoption of such a constitution would disastrously imperil the future well-being of the people of the state and particularly the people of Chicago; and that because of the practical unanimity with which the constitution had been adopted by the able men and powerful politicians in that convention that there was great danger of its adoption at the polls by an uninformed electorate. With the ladies and other gentlemen of the hastily-formed People's Protective League, I participated with much earnestness in a movement to educate the people upon the dangerous features of the proposed constitution.

We dug into our pockets and had printed an address to the people and had it widely circulated by volunteer hands, and the *Herald-Examiner*, *Chicago American* and *Chicago Journal* gave it most generous treatment. As this address thoroughly exposed the dangers lurking in the proposed constitution, and as in my judgment it killed the cleverly devised scheme to rush through its adoption during a short three-month campaign. I herewith give it in full as a valuable historical document with the names of all the men and women who signed the same:

THE PEOPLE'S PROTECTIVE LEAGUE OF ILLINOIS

MORRISON HOTEL, CHICAGO

| | |
|------------------------------|---------------------|
| Harold L. Ickes | President |
| Carl S. Vrooman | Vice President |
| Mrs. George Bass | Vice President |
| Miss Harriet E. Vittum | Secretary |
| Herbert J. Friedman | Treasurer |
| Frank T. Fitzsimmons | Executive Secretary |

EXECUTIVE COMMITTEE

Edward F. Dunne, Chairman

| | |
|--------------------------|---------------------|
| McKenzie Cleland | Chas. E. Merriam |
| Chester E. Cleveland | Wm. L. O'Connell |
| Clarence S. Darrow | Victor A. Olander |
| Colin C. H. Fyffe | Chas. H. Sergel |
| Wm. H. Holly | Willis J. Spaulding |
| Edgar A. Jonas | Seymour Stedman |
| Myron Jordan | James F. Stepina |
| Fred J. Kern | Chas. A. Williams |
| Miss Alice Hurt Thompson | |

Introduction.

The People's Protective League invites attention to the proposed constitution of Illinois upon which we are asked to vote on December 12th. We urge all citizens to study carefully this proposed plan which closely touches their lives and their property. We believe this document, taken as a whole, is a step backward rather than a step forward.

The delegates to the Constitutional Convention refused to permit a vote upon separate sections of the constitution as was done in 1870 and commonly throughout the

country, and therefore it becomes necessary to vote yes or no upon the proposed constitution as a whole, including all of its details, and incidentally including a bond issue of \$10,000,000. Judgment therefore cannot be passed upon a few minor features, but must be based upon an examination of the broad tendencies of the document as a whole. So considered, we are confident it will be found that the proposed plan is contrary to those sound principles of government for which Illinois has hitherto stood, and that its tendency is harmful to the interests of our citizens and hostile to the spirit of our time.

Amid a multitude of other objections, the proposed constitution imperils the fundamental rights of citizens as now defined; omits measures of popular control which the convention was directly instructed by the people to insert; introduces an unfair system of representation in the Legislature; grants to the courts unprecedented powers without adequate control; further weakens our taxing system by retaining the personal property tax and adding two new income taxes, and by shifting the burden of the new tax to those with incomes of \$500, or in case of a householder of \$1,000. These and other features of the constitution show that its purpose and effect is decidedly reactionary and backward-looking, and that it does not meet the needs of Illinois.

Punishment Before Trial.

The statute passed in 1787 creating the territory from which Illinois was subsequently carved, and the three subsequent constitutions of Illinois, including our present constitution, have always provided that, except when charged with murder, every person accused of crime shall be entitled to be released on bail pending trial. The section of our existing constitution so providing has been eliminated in the proposed constitution, and, instead, a section has been inserted which, in the language of the Convention itself—contained in the Convention's formal Address to the People—will leave it "within the sound discretion of the judge to whom application for bail is made, whether the accused shall be allowed his freedom pending trial."

Forty of the States have in their constitutions provisions similar to that contained in the Illinois constitution. Only eight states do not have such provisions; five of

them are Southern states, and all of these eight states are east of the Alleghanies and adopted their constitutions before Illinois became a state. In other words, even these eight states did not first adopt such a provision as that now contained in our constitution and then abandon it; they merely never advanced as far in the interests of individual rights as Illinois and the thirty-nine other states of the Union.

From the year 1789, when our Federal Government was established, to the present day, there has been on the Federal statute books a provision similar to that contained in our existing constitution, guaranteeing the right to bail to every man accused of crime, except in murder cases.

The proposal to give to state court judges the power (given to no Federal judge and to no judge in thirty-nine other states in the Union) to punish a man by keeping him in jail before trial, was vigorously opposed on the floor of the Convention by such men as Judge De Young and Judge McEwen. It was urged upon them, as it is urged now, that it was necessary to make this change to meet a problem, encountered in Chicago, of handling seasoned offenders who, it was said, "readily obtained bail and were turned out upon the streets to renew their depredations while awaiting trial." But these lawyers and others pointed out to the Convention that this problem could adequately be met not by giving the judge discretion in all cases, but by giving the judge discretion in cases of capital offenses, and also "in the case of second or repeating offenders" or "in the case of one previously convicted of a crime."

The Convention, nevertheless, adopted the provision giving discretion to the judges in all cases of persons accused of crime.

Certain advocates of the proposed constitution now state that this new section 7 of the Bill of Rights will leave it within the power of the Legislature to cut down the discretion thus granted to the judges. But these are not official statements, and the official statement made by the Convention itself, which will guide the Supreme Court in construing this section of the proposed constitution, is to the effect, not that the Legislature will have discretion, but that, if the new constitution is adopted, "it will be within the sound discretion of the judge to whom application for bail is made, whether the accused shall be allowed his freedom pending trial."

It is also urged that the provision of the new constitution is similar to the provision found in the Federal constitution; but this neglects the fact that the Federal statutes, enacted even before this provision of the Federal constitution was adopted, have from 1789 to the present time remained unchanged in their requirement that all persons accused of crime other than murder shall be entitled to bail as a matter of right.

The Powers of the Supreme Court are Dangerously Amplified, to the Injury of That Court and the People.

The proposed new constitution imposes very great executive and legislative duties upon the Supreme Court.

It authorizes that court directly and indirectly to appoint judges and assistant judges not elected by the people and also authorizes the court to pass laws, by the name of rules, not only regulating the practice, pleading and procedure in all the courts of the state, but also in the same way to pass laws vitally affecting the rights, liberties and property of the people. Under the new powers of judicial administration given it, the Supreme Court will have a wide discretion in determining the jurisdiction of the courts, the venue as to where actions shall be brought, where and how persons shall be served, what judges shall dispose of equity cases, *habeas corpus* cases and what number of assistants the Circuit Court judges of Cook County shall have and what the powers of these assistants shall be.

Under the present constitution the judges of the Appellate Courts must be Circuit or Superior Court judges, elected by the people, and their jurisdictions are fixed by the constitution and statutes passed by the Legislature. By the proposed constitution, this will be changed. Nine men in the Supreme Court, or a majority of the nine, will have the power to prescribe the jurisdiction of these Appellate courts. No longer must these judges be elected by the people. For the first time in the history of the state, we are to have appointed judges. These appointments may be made by the Supreme Court, or by a majority of that court, without their being approved by the governor or the senate.

The President of the United States, all powerful as he is, has never been given any such authority. Even the President must submit his appointees to the Senate of the United States for their approval. Any lawyer of ten years

experience at the bar, although not elected by the people, may be selected, under the terms of the proposed constitution, by the Supreme Court and placed upon the Appellate bench and then placed as a judge of the Supreme bench of the state.

The purpose of the framers of the proposed constitution was to create, as far as possible, a non-elected judiciary to be appointed directly and indirectly by the Supreme Court, and to clothe the Supreme Court with certain legislative and executive powers of great importance.

The Supreme Court is given power to appoint two chief justices of the proposed unified Circuit Court of Cook County, and these judges shall have such administrative powers and duties in respect to the business before the court as the Supreme Court may prescribe; and the chief justice of the civil division of that court is given the power to appoint a justice of the peace and a constable in each town, or portion of town, in the County of Cook, outside of the City of Chicago.

The proposed new constitution also gives to the Supreme Court power to remove any judge of the Appellate Court; and, from time to time, to assign judges of the Appellate Courts from one District to another.

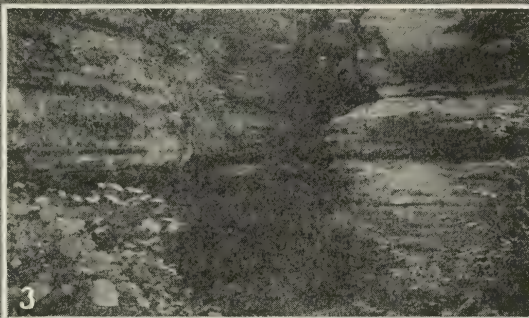
Thus judges of the Appellate Courts appointed in Chicago may be sent by the Supreme Court to hold court at Mt. Vernon, or Springfield or Ottawa, and judges appointed to hold Appellate Court at those places may be sent to hold Court in Chicago.

Furthermore, the Supreme Court is authorized to assign Circuit Court judges elected in one Circuit to hold court in another Circuit. Thus a Circuit Court judge elected to hold Court in Cook County may be sent by the Supreme Court to hold Court at Cairo, or Springfield or East St. Louis; or *vice versa*.

It is true these assignments are to be temporary only; but the Supreme Court is the sole judge of what is temporary and when such assignments shall be made.

Thus it is put in the unrestrained power of the Supreme Court to determine that the rights of the people to life, liberty and property shall be tried before judges appointed or elected in remote parts of the state; and in whose election or appointment the people whose rights are to be adjudicated and settled have no voice.

Section 122 of the proposed new constitution reads as follows:



BEAUTY SPOTS IN ILLINOIS

Pines near Polo; Starved Rock Park; Park Scene, Quincy.
(From *Illinois Blue Book*.)

“Provision may be made by rule of the supreme court for the bringing of actions or proceedings in which a merely declaratory judgment or decree or order is sought and for authorizing the court to make a binding declaration of right whether or not any consequential relief may be claimed.”

There is a difference of opinion as to the scope and effect of this provision. Some think it will be construed as merely authorizing the court, in ordinary cases, to ascertain and declare the rights of parties in advance of an actual contested case.

Others think it is or may be by some future Supreme Court construed to be a grant of power to that court to extend, by rule of court, its jurisdiction indefinitely so as to include all manner of disputes such as controversies as to wages, as to strikes, as to rates and service of public utilities, as to matters of taxation and exemption from taxation, and so on. Regardless of which of the above opinions is right, this much is certain: Section 122 is of an experimental character. In England where a similar rule of court is in force, the subject matter is under the control of parliament. So here, instead of embodying this new and uncertain power in the constitution and making the Supreme Court the sole judge of its power thereunder, the safer and better way would be to vest such power in the Legislature. Then the Legislature would be a check against the unauthorized use of the power; and the people would have a more easy way of correcting, through the Legislature, any mistake that might be made.

We respectfully submit to the people that these dangerous and unprecedented powers will not only be prejudicial to the interests of the citizens of this state, but will eventually impair the efficiency and lower the dignity of the Supreme Court, itself. The enormous duties placed upon the Supreme Court will make it impossible for the human beings who may occupy those exalted positions to perform their work with credit to themselves, or to the satisfaction of the people of the state.

The power to enact laws and make large numbers of political appointments is obviously inappropriate to the judicial office and would be most dangerous to our rights and liberties. It seems almost unbelievable that any one would have the boldness even to suggest what the proponents of the new constitution are urging, viz: that a majority

of nine men, elected as judges for the long terms of ten years, should be clothed with authority, either directly or indirectly, to appoint large numbers of public servants and to enact laws vitally affecting the rights and liberties of the people.

We here summarize the political patronage placed, directly or indirectly, under the control of the Supreme Court of Illinois by the proposed constitution:

1. 18 judges of the Appellate Court (Sec. 97).
2. 18 judges of Circuit and County Courts, in the event that the Supreme Court selects the Appellate judges from the Circuit or County Court (Sec. 131).
3. Clerks and deputy Clerks of the Supreme Court.
4. Indirectly through the chief justices of the Circuit Court of Cook County, appointed by it, the Supreme Court may appoint assistant judges of the Circuit Court with such powers and duties as the Supreme Court may prescribe, without limitation as to number, excepting the will of the Supreme Court (Sec. 110).
5. Indirectly the Supreme Court will have power to select, through its appointees on the Appellate bench, all the clerks and deputy clerks on the Appellate courts of the state, (Sec. 99).
6. Indirectly, through its appointee the chief justice of the civil division of the Circuit Court of Cook County, it will be able to control the appointment of all of the Justices of the Peace and Constables in Cook County (Sec. 117). The number of these depends upon the population of the different towns. At present there are 120 Justices and 120 Constables holding these positions in Cook County.

So sweeping and unusual are these new functions, that eminent jurists such as Justice Cartwright and Farmer of our Supreme Court are against the proposed new constitution. They believe that the power hereby conferred upon the Supreme Court to make appointments means that the court will be drawn into politics; that thereby the Supreme Court will, to a large extent, be made a political machine; and that it would not be good for the Supreme Court that it should be clothed with the large executive and legislative powers and duties provided in the proposed new constitution.

And Chief Justice Thompson of the Supreme Court, while not expressing his views as specifically as Justices Cartwright and Farmer, concurs in their opposition to the new draft.

We feel sure, that, upon careful consideration, the people will agree that the unusual powers and duties, unwelcome even to the judges themselves, cannot be justified by the assumption that such powers will always be exercised wisely and for the best interests of the state.

Taxation and Revenue.

The revenue sections of the proposed Constitution are open to very grave objections as to form and substance. The purpose doubtless was to provide an improvement over the present unfortunate tax system of Illinois. But it is doubtful whether any substantial advantage has been gained, and in some ways the situation has been made worse.

In the first place, instead of a simple grant of power to the Legislature and simple types of restrictions desired, the revenue clauses are long, involved and almost incomprehensible at times. They are anything but a clear and adequate code of taxation such as is appropriate to the Constitution.

Section 143 authorizes an income tax under which all persons having an income of \$500 or over must be taxed; in case of householders, over \$1,000, with exemptions of \$200 for each dependent child under sixteen. This would require every farmer, laborer, clerk, stenographer and cash girl in the state file an income schedule. From the point of view of administration, it would cause endless inconvenience and difficulty, and would necessarily compel the building up of a large political machine. Probably two million schedules would have to be prepared and filed in this state. The supervisory work of the bureau called upon to ferret into the incomes of every worker would be so great that it would necessitate the appointment of large numbers of deputies, clerks, examiners and supervisors. Indeed, the tax arising from a great number of the smaller incomes that might slightly exceed the \$500 exemption would be so small that without doubt the cost of supervising the work would be much greater than the income arising therefrom. This undoubtedly would lead to an evasion thereof by a substantial number of people.

The State of Illinois should not endeavor to impose additional burdens on those whose incomes are below or on the margin of the living wage.

How illiberal the exemptions are can best be shown by comparing the exemptions of the proposed Constitution with the exemptions allowed under our present federal law:

| | <i>State law.</i> | <i>Federal law.</i> |
|---|-----------------------|-------------------------|
| Exemptions of married man | \$1,000 | \$2,500 |
| Exemptions of unmarried man | 500 | 1,000 |
| Exemptions for each dependent child under 16 | 200 | |
| Exemptions for each person under 18 .. | | 400 |

The exemptions under the general income tax law were made liberal because of the general recognition of the fact that a certain amount of income is necessary in order that a man may live in decency and comfort, and (if a parent) so that he may educate his children, and so make them physically stronger and morally better citizens. In fact, at the present there is a general movement throughout the country to raise the federal exemption to a fairer figure. To take away from the family budget a part of the income, so that the net left would be less than a living wage, is contrary to all humane theories of government.

Furthermore, the highest rate cannot be greater than three times the lowest rate of taxation. If a person with a \$1,000 income is taxed at the rate of 1 per cent, the man with a \$100,000 income or a \$1,000,000 income cannot be taxed at more than 3 per cent. This low rate of progression is contrary to all sound and usually accepted standards, and must be regarded as a reactionary step.

The proposed Constitution authorizes not only one, but two, state income taxes. One of these taxes may be imposed under Section 142 in place of the present tax on personal property. In that case there are no exemptions and the rate is absolutely uniform, regardless of the amount of the income. The other income tax is a general tax both on real property and personal property, with certain allowances and adjustments for other taxes paid. So there would be, in case these taxes were established by the Legislature, three income taxes to be paid—the federal tax now levied, the tax in lieu of personal property, and, over and above that, the general income tax both on real and personal

property. Those who now have trouble in making out one income tax schedule would find their troubles multiplied threefold or more because of the complexity and confusion of the requirements that would be made necessary by the provisions of the proposed new State Constitution.

The income tax is particularly severe upon the farming community. Referring to this very subject, Justice Cartwright of the Supreme Court states as follows:

"The farmer and business man may not only be required to pay a tax on his property, but an income tax, not as a substitute, but an addition based on the income from the same property.

"In addition, while the present constitution authorizes the legislature to tax a long list of persons or privileges, this instrument authorizes a general tax on all occupations, so that the farmer, mechanic, and practically every other person, will be liable to a tax on his occupation. . . .

"It would be but poor satisfaction for the farmer to know that moneys and credits are taxed if he is to bear increased burdens, and that would be the inevitable result, because the instrument itself provides for additional offices and expenses.

"It is idle to say that the people can restrain the legislature in that regard, for it is universal in human experience that expenditure always goes with income. I cannot elaborate this subject in this letter, but there is no question but what taxes will certainly be increased."

The effect of these sections providing for the tax on \$500 incomes and the limitation of the rate of progression to three to one is to shift the burden of taxation from the larger incomes to the smaller. The theory of the income tax is that it is a tax on ability to pay, and that the larger incomes should be taxed proportionately greater than the smaller incomes. The tax system proposed in the new Constitution reverses this principle, and turns the income tax upside down. Its plain effect would be to relieve the very rich from taxation at the expense of the very poor.

An unusual feature of the exemption under the general income tax is the exemption "of all household furniture and implements of agriculture or labor used as such, *without limit as to amount*." This release from taxation not only

the household furniture of the average home owner, now exempted by custom, but also the most costly equipment of the most palatial mansion, valued perhaps at hundreds of thousands of dollars. This clause is advertised by advocates of the Constitution as a decided benefit to the poor, but it is in reality a blind for a huge gift to the rich.

Exemption of "implements of labor" may refer merely to mechanic's tools, but it may also refer to the machinery and equipment of factories and mines, and, if so, the words "*without limit as to amount*" may also conveniently apply here. There is no point in exempting mechanic's implements "without limit as to amount," but it might be found useful and the section might be construed so as to exempt the "implements of labor" that labor does not own, but which are the equipment of the employer. That this was meant by some of the framers of the constitution is plain from the fact that it was discussed in the convention and Delegate Moore stated in debate that it would mean "machines, etc." and is further made certain by the words "*without limit as to amount.*" It is idle to think that this phrase would have been used to designate a workman's tools.

The whole of clause 2, Section 145, is full of traps and pitfalls, and tends to make our taxing system more complicated and obscure than it now is.

Section 146 proves that: "Areas devoted to forests or forest culture may be classified for or exempted from taxation." It is alleged that the purpose of this provision is to encourage forestry in Illinois. It is noteworthy, however, that the word "exclusively" which would have been a safeguard against abuse, and which was contained in the first draft, was stricken out by the Convention against the strong protest of certain members. As the section now stands, there is grave danger that lands not used or intended principally for forestry purposes may be allowed to escape from taxation. Large estates of gentlemen farmers, or other lands not intended chiefly for forests, may find here a loophole to avoid the tax collector. Dirt farmers cannot afford to withdraw their lands from productive cultivation.

Fake Home Rule for Chicago and Other Cities.

In order to put over the proposed constitution in Chicago, a campaign is being waged on the basis that Chicago, under the proposed constitution will procure home rule, free from the control of the Legislature.

Every person, when asked what is meant by the words "home rule for Chicago," will answer that it means the right of Chicago to control, through locally elected public officials, the rates and service of the public utility companies furnishing to Chicago street railway, gas, electric light and telephone service.

But it is well settled by the decisions of the United States Supreme Court and the Illinois Supreme Court that a city has no such powers of local control over the rates and service of public utility corporations unless there is an express delegation to it of such power in "terms so clear and unequivocal as to permit no doubt as to their proper construction."

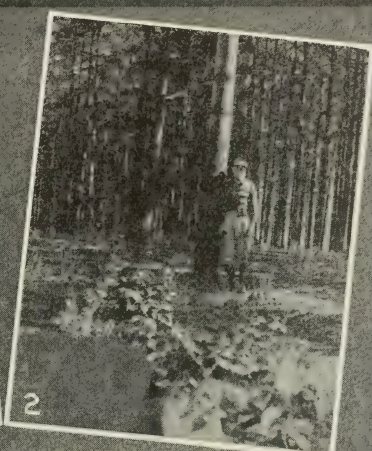
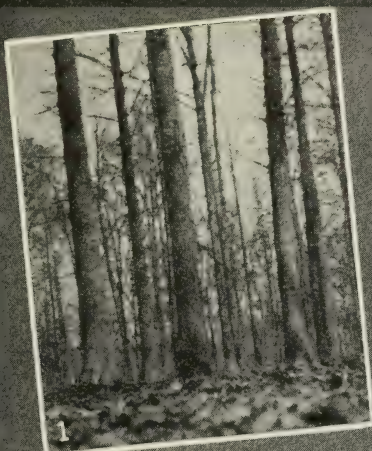
This power is part of the general police power of the state, and is therefore held by the courts not to be included in a grant of power of local self government. In other words, the right to fix such rates and service is not contained within a grant of general powers over local affairs to a municipality however broad, unless such power over rates and service is expressly granted in unmistakable terms. Such a grant is not made in the proposed constitution.

In other words, there is not a single line in the proposed constitution which will give to Chicago or any other city local control over the rates and service of local public utilities, but, on the contrary, so far as the proposed constitution is concerned, it will leave such control in the Illinois Commerce Commission, a downstate body in no way responsible to the voters of any city.

Consequently, the statement that this proposed constitution gives home rule to Chicago, or to any other city, is totally incorrect, if the phrase "home rule" be taken in its ordinarily accepted meaning of local control over the rates and service of local public utilities.

The Legislature.

The sections of the proposed constitution reorganizing the General Assembly of the state, and restricting the representation of the County of Cook are likely to be the cause of serious trouble in the future. They are a departure from the principle of proportional representation laid down in the ordinance organizing the Northwest Territory and tested by long experience; a system under which Illinois has grown in numbers and wealth to its present position. Planting unfairness and inequality of representation in



FORESTRY IN ILLINOIS

- (1) Fully stocked growth of pin oak, Hamilton County.
- (2) White pine plantation, fifty years old, Grundy County.
- (3) Pastured and impastured woodland.
- (4) Fifteen-year-old catalpa plantation.
- (5) Catalpa posts from thirteen-year-old stand.

(From *Illinois Blue Book*.)

the constitution will produce a crop of bitterness and dis-sension from which only the politicians will reap a harvest.

The real issue in Illinois is not a struggle between geographical sections, but between the people and the political bosses with their corporation allies. This battle between the many and the few is raging throughout the whole state, in Northern, Central and Southern Illinois, in cities great and small, in counties and other communities everywhere. In our General Assembly divisions are not made on geographical lines, but men are marked because they do or do not wear the collar and do the bidding of the great interests that seek to use the machinery of the government for their personal profit. Neither city nor country district has a monopoly of jack-potters or of honest men. Restriction of representation is an unfortunate issue out of which can come only ill-feeling, bitterness and strife between those who ought to be united in a common cause. It tends to divide those whose interests are identical and by dividing them to make possible the rule of those who are always watching to take an advantage of division among the right thinking people of the state.

Restriction is only a cloak to cover the real designs of reactionary interests that dominated the Convention. The restriction issue is intended as a blind to deceive the people of the state, to distract their attention from other features of the constitution which it is hoped the unwary voter may not see. If this had not been the case, the restriction clauses would have been submitted separately, so that the voters could have accepted them or rejected them on their merits, as they stood. The issue of restriction has been thrust in to divert the attention of the voter from the grant of increased and unrestrained power to the courts, from the proposed tax system that places heavier burdens on the farmer and laborer and the clerk, from the changes in fundamental rights that jeopardize human liberty throughout the state. Progressive voters of whatever party or section will not be deceived by this trickery, but will penetrate the sham and stand together to defeat this reactionary document.

Pensions.

A constitutional amendment strengthening the position of their pensions was drawn up by the teachers and public employes of this state and presented to the Convention.

This was rejected, however, and language of an opposite tenor was employed, apparently without full consideration of all the aspects of the question. The result is that the teachers of Chicago and the State at large are seriously concerned regarding the fate of the pensions they have fought for a quarter of a century to secure, and conclude that, unintentionally perhaps, their rights to protection when their work is done, are placed in very grave danger by the proposed constitution. This is their deliberate conclusion, based on the advice of competent counsel, highly skilled and generally recognized as the foremost authorities on the pension law in this state. The failure to make perfectly clear in the constitution a matter of such concern to those who have our children in charge is a serious shortcoming, not to be lightly overlooked. The teachers, therefore, insist that the constitution must be rejected. They cannot take the chance of the caprice of litigation or the surprises of judicial interpretation.

Changes Favorable to Public Utility Corporations.

The proposed constitution omits the following provisions contained in the existing constitution:

No county, city, town, township or other municipality, shall ever become subscriber to the capital stock of any railroad or private corporation, or make donation to or loan its credit in aid of such corporation.

No railroad corporation shall issue any stock or bonds, except for money, labor or property actually received, and applied to the purposes for which such corporation was created.

The advocates of the proposed constitution give no reason for the omission of these clauses. With these provisions omitted, it will be possible for any city to make donations to any railroad corporation or street railway company of its funds or credit, and it will be possible for railroad companies to water their stock. Under the second of these omitted clauses, the Illinois Supreme Court sustained *quo warranto* proceedings brought by the State's Attorney of Cook County to oust the charter of the Union Elevated Company, because under the regime of Yerkes that company had fraudulently over-issued its stock. Perhaps this decision explains the omission.

Article 4, Section 23, of the existing constitution provides:

The general assembly shall have no power to release or extinguish, in whole or in part, the indebtedness, liability, or *obligation* of any corporation or individual to this state or to any municipal corporation therein.

Under this clause, it would be unlawful for the Legislature to release—through the agency of a public utility commission or otherwise—a public utility corporation from the obligations of a binding franchise contract.

The proposed constitution, Section 47, has amended this clause by omitting the word “obligation” leaving only the word “liability.” The proponents of the proposed constitution say that this omission makes no difference. But in the only case in which the question has arisen the Supreme Court of Kentucky held that the omission from a similar section in the Kentucky constitution of the word “obligation” so limited the effect of the provision as not to include a franchise which the Kentucky court stated would have been included in the word “obligation.” The Kentucky court accordingly decided that language similar to Section 47 of the proposed constitution permitted the release of a public utility company from a binding franchise contract.

Initiative and Referendum.

Section 21 of the Constitution provides that the *Republican form of government of this state shall never be abandoned, modified or impaired*. Probably no single clause in the Constitution has called for more comment and has been the subject of greater controversy than this simple sentence. It is admitted even by the proponents of the constitution that the meaning and effect of this clause is not clear and will not be until its final determination by the Supreme Court.

The Committee on Phraseology of the Convention had this to say about Section 21:

The sentence is new with this Convention. Your committee calls attention to the fact that there is no similar provision in any other State Constitution. The Federal Constitution provides, in Section 4, Article

IV: 'The United States shall guarantee to every state in this Union a Republican form of government.' This section is the Federal Constitution has been little construed. President Taft vetoed an act of admitting Arizona to the Union because the proposed Constitution of that State contained a provision for the initiative and referendum. The President held that this provision in the Arizona Constitution violated the principles of a Republican form of government. The state was afterwards admitted to the Union without this provision in its Constitution, and after admission amended its Constitution to adopt the initiative and referendum. *The phrase 'Republican form of government is an extremely vague one. The presence of this provision in the Constitution will subject every law altering in any degree the present form of government, to the caprice of a court, since the court may declare that the law disrupts the Republican form of government.*

The general belief, however, is that this section would make unconstitutional any law providing for the initiative and referendum, and that this was the intention of one of the delegates is borne out by the debates of the Constitutional Convention. Thus on March 8, 1922, Delegate Rinaker, Chairman of the Committee on Bill of Rights, and the author of Section 21, in a discussion relating thereto, stated:

The section was adopted with some hesitation on the part of the committee, I will say, as declaratory of the principle that our system of government is Republican in form, representative and not a democracy, a pure democracy. It might be said to be a declaration in opposition to the principle of government by direct vote or initiative or referendum.

Moreover, there can be no doubt that this provision will be judicially enforceable. Even the proponents of the constitution admit that its meaning is vague, and consequently it is fair to state that many years will have to elapse before its meaning and full effect will be made clear. For how far-reaching the clause may be, what it will be construed to cover, will be determined only after many elaborate arguments have been made, in cases to be decided by the

Supreme Court of Illinois. In this respect it is unlike the provision of the Federal Constitution guaranteeing a Republican form of government to the states, which has been held by the United States Supreme Court not to be judicially enforceable, but to present a question to be determined by the political organs of the Federal Government.

At the same time the Convention was called into existence by the citizens of the state, by a substantial majority, directed the Convention to include, in any proposed constitution that might be offered to the electorate, a provision for the initiative and referendum. To make laws providing to that end unconstitutional not only is reactionary, but, in view of the mandate of the state, an insult to the electorate.

Indeed, had we had a provision in our constitution such as Section 21 some fifteen years ago, the direct primary law would have been made unconstitutional. This section will make every advanced form of government that can be thought of, every chance to expand, to advance, or to make any experiment in improving the form of government, immediately subject to controversy, with the probability of the change being declared unconstitutional. Constitutions are not adopted for a day, but they are supposed to be more or less immutable. For that reason their provisions should be broad and elastic, and should permit communities from time to time to experiment with new laws. This section, however, narrows us forever to our present form and theory of *representative* government. No matter how much benefit other states may acquire through the initiative and referendum (and nineteen have already adopted it), no matter how much people may want it, no matter how corrupt or ineffective our legislatures may become, nevertheless this provision (Section 21) will forever stand in the way of our resorting to the initiative and referendum, and endanger any other new law that may be attempted to better the mechanism of our government by resorting to a more democratic check.

The framers of the proposed new constitution have taken the position that the people are not capable of governing themselves; that the powers of government should be removed, as far as possible, from direct control by the people; that any such direct control is dangerous and must be prevented at all hazards.

The scope and effect of the various provisions of the proposed new constitution relating to the judiciary, as

well as to other subjects, must be considered by us in the light of the fact that the delegates to the late Convention deliberately decided that the people should not have the initiative and referendum they voted for. Now, this proposed constitution, framed by such delegates, is submitted to us for approval or rejection on a referendum vote; and we are asked, by voting to approve this constitution, to brand ourselves as unfit to participate in the government that we are expected to create by means of a referendum.

Amendments.

It is urged by the proponents of the new constitution that it is much more easily amendable than the old. This is not true.

It is provided in our present constitution that but one article may be amended at a time. Before an amendment may be submitted to the people for adoption, it must receive the affirmative vote of two-thirds of the members of both houses of the General Assembly. Any proposed amendment receiving such vote is submitted to the people, and if it receives the vote of a majority of the electors voting at the election, it becomes a part of the constitution. The same article may not be amended oftener than once in four years.

The draft of the new constitution permits two articles to be amended at the same time, requires but a majority of the votes cast for members of the Legislature for adoption, and prohibits amendments to the same section oftener than once in four years.

Apparently—but only apparently—this makes the new constitution easier of amendment than the old.

The first step towards amendment is to secure the submission of the proposed amendment to the people. If this can be prevented, it makes no difference how liberal the other amendatory provisions are. There can be no amendment unless the proposal can first secure the two-thirds vote in each house of the General Assembly.

In the past, whenever a progressive, liberal amendment has been proposed, the reactionaries have beaten it by introducing another amendment of the same nature. As but one could be submitted, and the liberal minded members of the Legislature could not be brought into agreement as to which was the more important, neither resolution

could get the required two-thirds vote and both were beaten.

The same thing will happen under the proposed constitution. It permits the submission of two amendments, but if two proposals are offered by progressives in the Legislature, the reactionaries will offer two or three or four others and again the forces will be divided, no two will secure the necessary two-thirds vote, and all will be defeated.

This danger was seen by the men who were responsible for calling the convention. When the movement was first started the Citizens' Association of Chicago, issued an address, in which, speaking of the difficulty of amending the old constitution, they said it had been bottled with three corks, one of which was the provision prohibiting the amendment of more than one article at a time. And then, arguing against the proposition that it would be better to liberalize the amending clause so as to permit the submission of two or three amendments, rather than call a convention to frame an entirely new instrument, they said:

"What assurances in fact can anyone give that even if two or three amendments could go through at the same time the 'bottles' opening would not be blocked by the scramble of half a dozen. As a matter of fact, that is probably exactly what would happen."

These men realized that such an amending clause as is given in the new constitution is not a whit more liberal than that in the old.

Conclusion.

The proposed Constitution is not on the whole better than the present Constitution, but is distinctly inferior to it. It is not a slight improvement or a small gain, but a notable loss. All things considered, the proposed Constitution is the most reactionary document that has been submitted to an American state for many years. Recent constitutions like those of Ohio and Massachusetts contained fundamental advances of great importance, but the proposed Constitution for this state goes back over the road on which other states have come forward in recent years.

The Constitution on which we are to vote is not merely objectionable on account of phraseology or details, but is unacceptable because of its fundamental features. The delegates deliberately omitted the provision for popular

control which they were instructed by the voters of the state to submit as a separate proposition—the initiative and referendum. On the contrary, measures were taken to make the future adoption of such a plan more difficult than at present. The delegates tampered with the provisions guaranteeing fundamental rights, notably in regard to bail, in such a way that they have imperiled human liberty throughout the state. No one has criticized the present proposed clause regarding bail more acutely than some of the delegates themselves. The Constitutional Convention was expected to bring relief in the present tax situation, but instead retained the personal property tax, provided for two additional income taxes, prohibited the exemption of income above \$500 of an unmarried man, \$1,000 of one married, forbade a higher ratio of taxation than three to one, and deliberately shifted the burden of taxation to the weak and poor on the plea of teaching them good citizenship. The Convention has abandoned the system of proportional representation in force in the Northwest Territory for over one hundred years, and has substituted a plan of unequal representation which is certain to create political disturbance for years to come. It has refused to submit this question or any other question to a separate vote, so that intelligent discrimination might be made between sections. The Convention has proposed to incorporate in the Constitution judicial provisions which had never been heard of by the voters who elected them—provisions which have been assailed by distinguished members of the bar and by eminent justices of the Supreme Court of this state in unmistakable language. These provisions confer executive and legislative powers upon the judiciary, in so unusual a manner and with so little control as to constitute a dangerous departure from the safeguards usually thrown around the judicial branch of the government. The grant of such sweeping powers without compensating popular control is practically unknown to American jurisprudence, and if thoroughly understood would be decisively defeated in Illinois. Supreme Court justices themselves, including Justices Cartwright and Farmer, have objected to this unwarranted and unexpected expansion of the power of the courts of the state, and have voiced their objections to the proposed constitution.

Some call this constitution a compromise. It is in reality, a surrender to reactionary influences at every vital point where democracy counts. Its gains are those of

detail. Its losses are those of fundamentals of government. We urge upon the men and women of this state (the latter having had no part in electing the delegates to the convention) the emphatic rejection of this proposed constitution, believing that its adoption would obstruct the political progress of this state and make more difficult the way of the adoption of a new constitution at a little later date genuinely representative of the sentiment of the people of Illinois.

In addition to the issuance of this address, the members of the People's Protective League asked for and obtained opportunities for joint debates upon the proposed constitution with its proponents. I myself crossed verbal swords with Senator L. Y. Sherman, Judge Cutting, Congressman Morton Hull, Andrew R. Sheriff and others. C. S. Darrow, Chester Cleveland, Prof. Charles E. Merriam, Victor Olander, David Rosenheim, Willis Spaulding and Fred Kern were kept constantly on the rostrum in a most effective way. Hon. Fred J. Kern gave us splendid assistance in the southern part of the state in his paper, the *Belleville News-Democrat*. The State Federation of Labor and the Teachers' Federation of Chicago were very active and efficient in exposing the iniquitous features of the constitution.

The spontaneous and energetic campaign carried on by the People's Protective League and the organizations just mentioned and by the Hearst papers and the *Chicago Journal* in Chicago and other papers down state, resulted in shattering the smoothly-devised plan to put over an unfair and dangerous instrument which would have deprived the citizens of Illinois of fair and proportionate representation in the Legislature and in future constitutional conventions for all time and deprived them of certain rights and privileges now enjoyed by them under the Constitution of 1870. As the result of the popular vote, the proposed constitution was buried in the whole state by a vote of nearly five to one. In Cook County it was beaten nearly twenty to one. The actual vote in the whole state was for, 185,298; against, 921,398. In Cook County the exact vote was for, 27,874; against, 541,206. The shrewd politician and the clever lawyer and successful business man often underestimates the real intelligence of the intelligent, well-informed voter.

CHAPTER LXXI

THE ILLINOIS WATERWAY

One of the projects that arose during my administration as governor that appealed most strongly to me for action was the building of a navigable waterway from Lockport to Utica so as to give a complete commercial waterway communication between the Great Lakes and the Gulf of Mexico. It had been the prophesy of Marquette and Joliet when in 1673 they poled or pushed their canoes across the marsh called Mud Lake, which lay between the south branch of the Chicago River and the Desplaines, that such a canal would be constructed. Nathaniel Pope, the territorial delegate from the Territory of Illinois, before its admission to the Union, and many other foresighted men in Illinois contemplated the realization of the prophecy of Marquette and Joliet. They finally succeeded in the 1840s in building and operating successfully with the aid of the United States Government the old Illinois and Michigan Canal.

This canal, however, was designed, excavated and constructed at a time when the use of gas, steam or electricity was unknown as methods of transportation. The canal was designed and constructed for the propulsion of barges in canal boats by animal power, horses and mules.

A few years afterwards steam was beginning to be used as motive power on railroad and waterways, and soon came into general use as a motive power on rails and waters. For years the state owned and operated successfully and remuneratively, the old animal power Illinois and Michigan Canal. It operated the old canal until it had paid by canal tolls the cost of its construction.

When steam came into use as a motive power, however, it was soon found that railroads could be built near to waterways

and carry freight and passengers more rapidly and economically than could the old mule operated canal.

This happened in Illinois. The C & A and Rock Island railroad companies built their tracks near the canal and offered to transport the freight and passengers in the territory both more cheaply, and more rapidly and the old canal naturally fell into the discard.

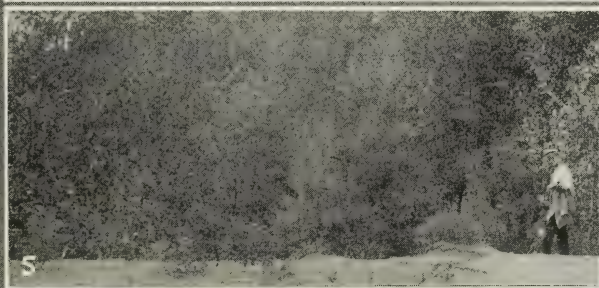
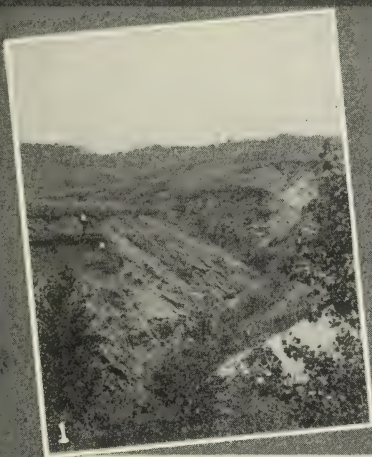
The vision of a Lakes to the Gulf waterway, however, would not down. Every thoughtful man who considered the scheme soon discovered the tremendous opportunities for the development of waterway commerce up and down the Mississippi Valley; if a continuous waterway with a depth of even eight feet could be developed between Chicago and the Gulf of Mexico.

On November 3, 1908, the people of the state by popular vote amended the constitution so as to permit the issuance of not to exceed \$20,000,000 worth of bonds to be used in the construction of an adequate waterway, and in the erection, equipment and maintenance of power plants, locks, bridges, dams and appliances.

Divers plans for the development of a waterway between Lockport and Utica had been formulated and discussed before the public, but the different Legislatures of the state had never succeeded in formulating a law for that purpose, and placing it upon the statute books.

In my judgment, the time had arrived for the construction of a modern up to date canal. The Panama Canal had been opened to the commerce of the world. As the result thereof, the cost of transportation between the Eastern and the Western seaboard had fallen much below the rates theretofore charged by the railroads. As a result, freight traffic was being attracted from as far west as the states of Ohio and Indiana to the Eastern seaboard by railroad, and thence my waterway transportation to the Western coast of the United States. Where such competition existed, railroad rates would probably be lowered, and where no competition existed, railroad rates would probably remain as they were.

If an adequate waterway were opened between Lake Michigan and the Gulf of Mexico, an immense commerce would, in my



FORESTRY IN ILLINOIS

- (1) Eroded field formerly in trees, Carroll County.
- (2) Native white pine, Ogle County.
- (3) Sand dune suitable for growing cottonwood.
- (4) Black walnut plantation over fifty years old, Mason County.
- (5) Cottonwood plantation, Whiteside County.

(From *Illinois Blue Book*.)

judgment, develop between points on the Illinois River and points at or near the Great Lakes through the Sanitary District Canal from Chicago to Lockport; and thence through a waterway from Lockport to the Mississippi River, New Orleans and the Gulf of Mexico. At that time, a navigable depth of over seven feet existed normally for a distance of 262 miles out of a total of 327 miles between Chicago and the Mississippi River. Sixty-five miles between LaSalle on the Illinois River and the Chicago Drainage Canal at Lockport was then limited to a draft of $4\frac{1}{2}$ feet through the old fossilized Illinois and Michigan Canal, with its inadequate locks constructed almost a century ago. A channel of eight feet in depth was then maintained in the Mississippi River from New Orleans to St. Louis with no early prospect of being further deepened. If an eight-foot depth could be provided for an adequate waterway in the Illinois River and a portion of the Illinois and Michigan Canal between the cities of Utica and Lockport, we would have a waterway of eight feet in depth from Chicago to the Gulf of Mexico.

Such being the situation, I invited in the summer of 1914 the eminent engineer, Lyman E. Cooley, and E. J. Kelly, chief engineer of the Sanitary District of Chicago, Walter A. Shaw, then engineer member of the Illinois Public Utilities Commission, and LeRoy K. Sherman, engineer member of the Illinois Rivers and Lakes Commission, to accompany me down the Illinois and Michigan Canal from Joliet to LaSalle. On that trip of inspection, these gentlemen and myself examined the physical condition of the Illinois and Michigan Canal and the Illinois and Desplaines rivers between Joliet and LaSalle, and as the result of that inspection and after a careful inquiry into the practicability of at least an eight-foot channel between Joliet and Utica, these gentlemen reported, in writing, several schemes or projects for the construction of an eight-foot waterway between Utica and Lockport. One of these schemes or projects, known as project No. 3, they unanimously endorsed as being entirely feasible and capable of construction within two years at a cost of \$3,075,000.

It contemplated the use of the Illinois River for approximately 45 miles and the development and enlargement of about



A SECTION OF MURPHYSBORO FOLLOWING THE TORNADO OF
MARCH 18, 1925

20 miles of the Illinois and Michigan Canal. A copy of this report which had been endorsed by the Rivers and Lakes Commission of the state I sent to the Legislature and recommended its careful perusal.

I was convinced that the scheme was entirely feasible and that, considering the immense advantages to be obtained therefrom, it was exceedingly economical, and that it possessed the advantage of not, in any way foreclosing or preventing the creating of a deeper waterway thereafter, if a deeper waterway could be secured in the Mississippi River.

If the science of engineering in the future would be able to bring about a greater depth in the Mississippi River than the eight feet which then existed, such depth could also be secured in the proposed channel without in any way impairing the efficiency of the work done under project No. 3. In other words, the construction of this channel in the Illinois River and the Illinois and Michigan Canal between Utica and Lockport would open up within two years, if constructed, a splendid waterway of eight feet in depth from Chicago to the Gulf of Mexico, at an estimated cost of \$3,075,000 or thereabout, and give to the people of this state, as well as those tributary to the Great Lakes, a commerce to New Orleans and the Panama Canal.

I, therefore, called the attention of the Legislature to the fact that, if this waterway were constructed as outlined in Project No. 3, one million dollars (\$1,000,000) was available in the treasury of the United States for the dredging and deepening of the Illinois River to an eight-foot depth between Utica and the mouth of the Illinois River where it enters into the Mississippi River.

I, therefore, recommended the passage of a law providing for the construction of a channel, with a depth of eight feet and with mitre sills in the locks sunk to a depth of fourteen feet to provide for future engineering development, as recommended by these engineers; and authorizing the issuance of bonds not to exceed in amount \$3,500,000.

Senator John A. Swanson, at present state's attorney of Cook County, was at that time chairman of the Committee on Waterways of the State Senate. Representative Michael L. Igoe,

now minority leader in the Illinois House of Representatives and a member of the South Park Commission, was chairman of the waterways committee in the House. Both cooperated with me in every way and did excellent service in assisting in obtaining the adoption of legislation favorable to the waterway.

The Forty-ninth General Assembly accepted my recommendation and passed a law which provided for the Illinois Waterway Commission and authorized the issuance of not to exceed \$5,000,000 worth of bonds for the construction of a waterway at least eight feet in depth between Lockport and Utica with mitre sills in the locks sunk to a depth of fourteen feet. After my approval of the waterway bill I appointed Samuel Alschuler, who had been my opponent for the Democratic nomination for governor, as chairman of the Illinois Waterway Commission. The commission started at once in accordance with the terms of the act creating it, but an injunction was obtained in the courts preventing the issuance and sale of the bonds.

While this injunction was in force accompanied by Engineer E. J. Kelly I submitted our law and the engineering plans for the construction of the waterway to Secretary of War Baker and had several satisfactory interviews with him in relation to securing his approval of same. As the engineering plans would have to be submitted to the Federal engineer for examination and as we were prevented by the injunction from entering upon immediate construction some time elapsed. We were treated with the greatest consideration by Secretary of War Baker and no intimation of any character was made that the plans were inadequate or objectionable. I had every confidence that the plans would be approved by the Federal engineers and Secretary Baker. In the meantime, while the injunction was still in force my term of office as governor expired. A few days before my successor was inaugurated as governor the injunction was dissolved. If I had been reelected I believe that we would have secured the approval of the Federal authorities for the construction of the canal and could have started the work of construction.

The law and engineering plans called for a waterway between Lockport and Utica of the following dimensions:

River portion 150 feet minimum width.

River portion 8 feet minimum depth.

River locks 55 feet wide, 250 feet long, 8 feet deep (later changed to 75 feet wide, 600 feet long, 14 feet deep with intermediate gates providing usable length of 250, 350 and 600 feet.

After I retired from office I learned that because of some engineering objections the secretary of war refused to approve the plans.

Whatever happened, the law under which I hoped to see the waterway started under myself or Governor Lowden was never put into force. A new law was passed under Governor Lowden's administration, too late, however, for actual work thereunder while Governor Lowden was in office. Under the terms of this latter law Governor Small proceeded vigorously to excavate and build locks as pointed out in the chapter covering Governor Small's administration.

It is a matter of much regret that the State of Illinois was not able to start construction of the canal in 1917 when construction and labor costs were one-half of what they have been during the last ten years, and are today. The engineer in 1916 estimated that the canal could have been constructed for five million dollars or less. It surely could have been constructed for less than ten million. The delay in construction has compelled the state to expend the whole twenty million dollars provided for in the constitutional amendment; and now the state is compelled to appeal to Congress for an appropriation to complete this much desired waterway. Such an appropriation should be granted without delay. The taxpayers of Illinois, through the state directly and through the Sanitary District of Chicago, have already extended over sixty million dollars in work in the waterway which will benefit the whole Mississippi Valley and decent treatment should be accorded the state by Congress so that commerce between the Great Lakes and the Gulf of Mexico can become after three centuries of delay an actuality and not a dream.

CHAPTER LXXII

THE DEVER TRACTION ORDINANCE OF 1925

Its Mistakes and Why It Was so Decisively Beaten at the Polls.

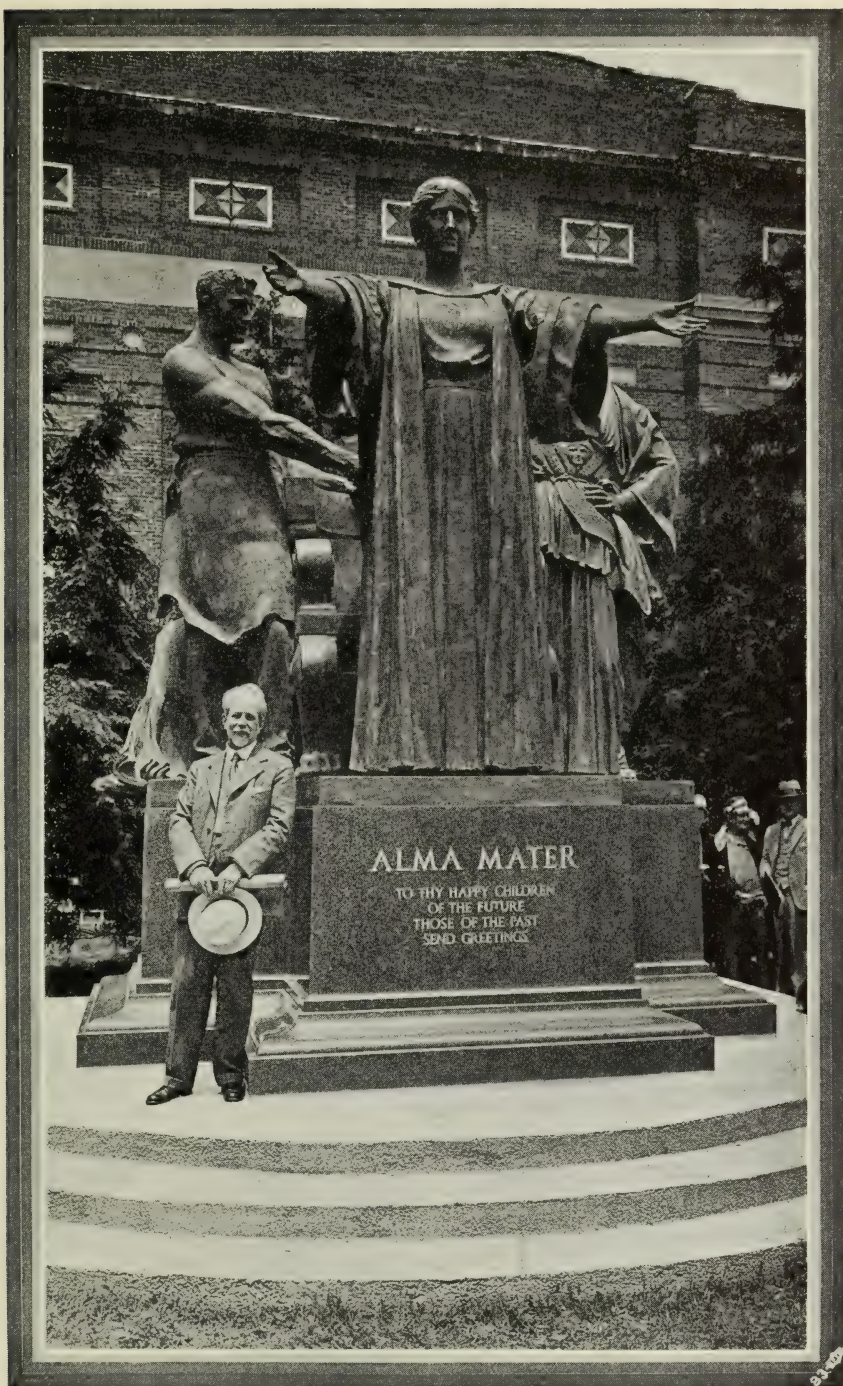
In the spring of 1925, eight years after I had retired from active public life, I was again called upon to take a prominent and effective part in one of the most important issues of that day in the municipal affairs of Chicago. Owing to the delicate state of health of my wife and one of my daughters, I had been, during the winter of 1921-22 to 1926-27, spending the months of January, February and March in Eastern Florida and was giving little or no attention to public affairs. When the late lamented William E. Dever was nominated for mayor on the Democratic ticket in the spring of 1923 I was delighted, wired him from Palm Beach my congratulations and sent him a modest contribution to his campaign fund. Before election day I returned to Chicago and energetically worked for his election. He had been one of my most devoted, loyal and eloquent adherents and supporters when he was a member of the City Council and I was mayor of Chicago from 1905 until 1907. He seconded as alderman during that period every move I made as mayor to bring about municipal ownership of the street car systems in Chicago and was one of the staunch and true aldermen who voted with me when the City Council, by a two-thirds vote, overruled my veto of the 1907 traction ordinances.

I was overjoyed at his election and confidently predicted that in 1925, with over \$50,000,000 in cash in the city treasury, which could then be used for the acquisition of the traction properties and for no other purpose, that he, Dever, and the City Council would be able to acquire for the city these traction lines, as did the cities of San Francisco and Detroit.

Shortly after his inauguration as mayor and after conducting his campaign as an advocate of municipal ownership

of the traction systems, he either wittingly or unwittingly began to be guided in his official actions and the selection of his attorneys and other officials by George E. Brennan, who was always opposed to municipal ownership. Neither James Hamilton Lewis, C. S. Darrow, or any of the attorneys who in the past had been familiar with the traction tangles, and favored and worked for municipal ownership, were invited into consultation with Mayor Dever on traction affairs. I do not believe that Mayor Dever abandoned his advocacy of municipal ownership, but I do believe that he became convinced by his newly-chosen advisers that by making certain concessions to the traction owners they could agree upon an ordinance that would give early ownership to the city and pay off the investments made by the owners.

While the negotiations were pending and the proposed ordinance was being framed, in the summer or fall of 1924, he sent for me and asked me to take lunch with him. We drove in his auto from the City Hall to the Congress Hotel, where he and myself had a hearty lunch and long, serious talk. In this conversation he assured me with much confidence that he and his advisers had reached an understanding with the traction owners and their advisers, and that an ordinance would soon be perfected that would secure municipal ownership for the people of Chicago and satisfy the traction owners. I expressed my pleasure at his coming success. He then said he had me in mind for a position of great responsibility and importance. I asked him what it was. He said he wanted me to act as one of the city's trustees under the new ordinance. I thanked him but said that I had not seen a copy of the ordinance and that I would have to see a copy and examine it before I could act as trustee. He then said that the ordinance had not been completely drafted and that it would probably take some time before it got into the printer's hands, but that as soon as it was printed he would send me the galley sheets. He also asked me, when I had read the galley sheets not to give any expression of opinion thereon until he and I could have an opportunity to talk the matter over. I assented thereto. Sometime about December, 1924, or January, 1925, Corporation Counsel Busch sent for me



"ALMA MATER," UNIVERSITY OF ILLINOIS
(From *Illinois Blue Book*.)

and gave me the printed galley sheets of the proposed ordinance. They were many and voluminous. At the same time Busch told me that the mayor wanted me to act as one of the city's trustees. I took these galley sheets to my office and spent over a week in endeavoring to ascertain whether the proposed ordinance did in fact secure municipal ownership to the city at an early date as the mayor believed it did. I reached the conclusion soon that the proposed ordinance, like the ordinance of 1907, provided for municipal ownership in the dim and doubtful future and that it placed the control and management of the properties for a long but indefinite time in the hands of the traction interests.

Shortly before leaving for Florida, in January, 1925, I tried to reach the mayor personally, to inform him of my dissatisfaction with the terms of the ordinance, but found that he was out of the city, as I was informed, in Massachusetts. I left for Florida with my wife and daughter, taking with me the galley sheets of the ordinance for further analysis. After two or three more weeks of examination of the ordinance I reached the firm conviction that it was not a municipal ownership ordinance in fact, but an extension of time indefinitely for the operation of the whole traction system by the present owners upon an agreement to pay the owners of the traction securities par value for all of their then depreciated stocks and bonds whenever, if ever, the city took over the traction lines and 5 per cent interest thereon from the date of the approval of the ordinance.

The provisions of the ordinance vested absolute powers of management, control and operation in a Municipal Railway Board of nine persons. That board alone could order equipment and construction, could make contracts, fix salaries and wages, employ engineers and other employes—in a word, could act as absolute owners of the properties. The nine members of this board, under the ordinance, were ostensibly to be appointed by the mayor of Chicago; but under such limitations and restrictions as to limit his free choice to but three members of the board of nine. Three he could appoint without advice, check or conference with any one. Three more were to be selected

by the committee of certificate holders of traction securities, and when so selected by said committee the mayor was compelled to appoint them. The remaining three of the nine members of the board were to be appointed by the mayor if and only when they were approved of by the committee of certificate holders.

Under such provisions in the ordinance, no Municipal Railway Board could be appointed unless six of its nine members were always wholly satisfactory to the traction interests. A board so constituted would naturally extend indefinitely its official life for selfish reasons and the date when the city, under this character of management, could take over the traction properties could only be determined in some "iridescent dream." There were other serious defects, subversive of public interests, in this ordinance, which it would take too much space in this work to discuss at length.

I wrote a letter to Mayor Dever from Palm Beach informing him that I had carefully analyzed the ordinance and that in my opinion it was dangerous and detrimental to public interests, and received no reply or request for an interview. Some days afterward, the manager of the Hearst papers in Chicago asked me to give a legal opinion on the ordinance and offered to pay me a retainer therefor. I wrote the mayor to this effect and informed him that unless he could show me some good reason why I should not give this opinion within a reasonable time, that I would do so. I received no reply and shortly thereafter prepared and forwarded my written opinion to the Hearst papers, which they published in full February 13, 1925. The Hearst papers had been opposing the adoption of the ordinance in their usual vigorous style and after publishing my opinion in full they renewed their fight with additional vigor.

The mayor and his legal advisers took the stump and with much energy and eloquence attempted to answer the objections to the ordinance. George Brennan and the Democratic organization, as far as he and his lieutenants could manage the same, fought valorously for the passage of the ordinance. The result was that although William E. Dever was elected mayor on a Democratic municipal ownership ticket and platform by about

105,000 majority in 1923, the ordinance was beaten by a popular majority of about 106,000 against it in April, 1925, only two years after Dever's triumphant election in 1923.

The sentiment for public ownership which elected me mayor in 1905 was still alive and vigorous twenty years afterwards in 1925. Judge Dever was an absolutely honest man and I believe he had been convinced by his political and legal advisers that the ordinance drafted by them in 1925 was an ordinance that would enable the city soon to acquire the traction properties, but in this he was in my opinion honestly mistaken.

CHAPTER LXXIII

CHICAGO THE WONDER CITY

Its Trials, Tribulations and Triumphs.

No city in the world has a history like that of Chicago. It is unique in many ways—in its humble birth, in its peculiar location, in its physical advantages and its physical drawbacks, in its rapid growth, in its marvelous development, in its rapid emergence from shabbiness and deformity to artistic beauty and architectural grandeur, in its gigantic growth in manufactures, finance and commerce, and in its struggle to secure centralized and unified government. In many other respects it is a city without a parallel in history. Let us consider a few of them *seriatim*.

Its Humble Birth.

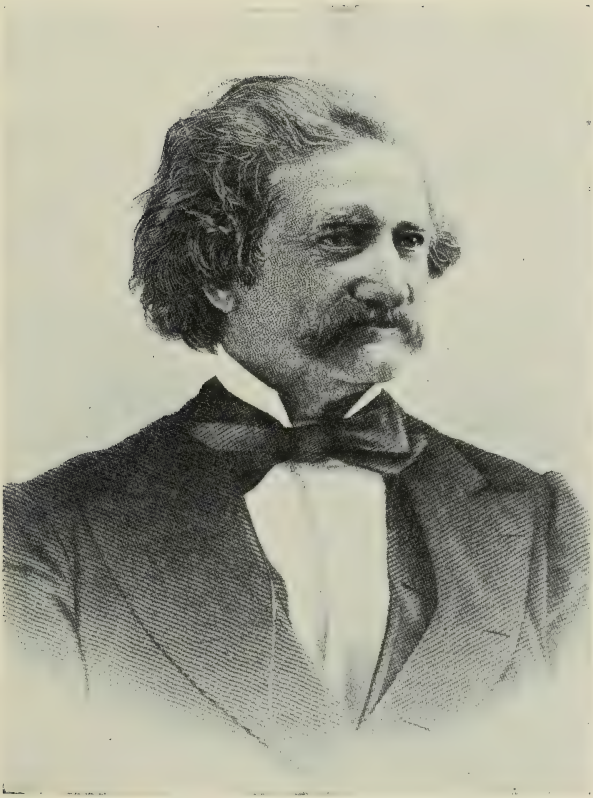
At the close of the Revolutionary war, when what is now Chicago first became American soil, it was a stretch of low-lying prairie land not much better than a swamp through which a sluggish river discharged its waters after many twists and turns into Lake Michigan. It was occupied by a shiftless tribe of Pottawatomie Indians that lived by hunting and fishing. Occasionally a French trader paddled into the river from Lake Michigan to purchase pelts from the Indians or trade whiskey or guns and powder and balls for the fur skins. A few white men and half-breeds later on built cabins, in which they smoked, slept and traded with the Indians.

During the Pontiac and Tecumseh wars it was apparent that the white man, whether he were French, English or American, would need as an outpost of civilization, to protect the white adventurer; some sort of a military post garrisoned with white troops at or near what is now Chicago. As the portage between

the Desplaines River and the south branch of the Chicago River was known to both white men and Indians, both white men and Indians were attracted to the spot where the Chicago River emptied into Lake Michigan. Transportation to that spot when water transportation was the cheapest and easiest both from the North and East over the Great Lakes and from the South and West over the portage, led to its early settlement. At this spot, then, the American Government chose to establish a fort, to protect the whites and keep the Indians under control. A rude fort was there erected on the south bank of the Chicago River where the Michigan Boulevard bridge now crosses the same. About that fort a few whites and half-breeds settled and built their shacks. Nine years afterward, during the British-American war of 1812, the fort was abandoned, and the garrison massacred by the Indians while in retreat. No talk or hope of a city then. In the onward press of white men into Illinois between 1812 and 1830, a few daring adventurers began to settle in Northern Illinois, and in 1830 Cook County was organized and created. It then comprised the north part of Will County, all of DuPage, all of Lake County and a part of McHenry and Kane counties. There were only sixty-five names of persons on the voting lists in Chicago in 1830. Not even a town was organized until 1833. The land was low, the climate then as now was rigorous, and at that time it was unhealthy. In 1833 Chicago was not an attractive place for settlers. It was not until 1837 that the inhabitants had confidence enough in the place to organize a city. These were the backward and unpromising circumstances under which the City of Chicago commenced its weak and sickly life. In the '40s railroad building commenced and the Illinois and Michigan Canal was constructed and opened, and Chicago first began to show signs of becoming a great and prosperous city. From the municipal acorn of 1837 developed thereafter the giant oak which has been a wonder in city development.

Its Multiform and Distracting Governments.

As the result of early legislation in the Illinois Legislature, the following eight governmental entities make laws and ordi-



THOMAS HOYNE ARRIVED IN CHICAGO 1837. ONE OF CHICAGO'S
GREAT LAWYERS AND EMINENT CITIZENS

nances imposing the burdens of taxation upon each and all of the residents of Chicago:

1. The president and Board of Commissioners of the County of Cook, whose appropriations from taxation in 1929 amounted to nearly \$42,000,000.

2. The Board of Education, whose recent annual appropriations amount to \$98,000,000.

3. Public Library Board, whose recent annual appropriations amount to \$3,000,000.

4. Sanitary District, which has already levied taxation and expended about \$100,000,000 upon sanitation.

5. Lincoln Park Board.

6. South Park Board.

7. West Park Board.

8. City of Chicago proper, whose appropriations for 1929 (including \$98,250,000 for school tax funds) amounted to \$183,203,549.98.

The rules, regulations and ordinances of the first seven of these corporate bodies are independent of those passed by the City Council of the City of Chicago and are executed by officers appointed by these corporate bodies. The mayor of Chicago appoints and the City Council approves the officials of the Board of Education and the Library Board, but thereafter these two corporate entities act independently. Strange crossing of official authority often results from this multiplication of governments. The County Hospital is maintained by the county, but takes care of the city's sick. The City House of Correction takes care often of state and county offenders. Disputes often arise about the bills they owe each other. The city has a police force and each of the three park boards has a police force and at times the Sanitary District has a police force whose members frequently cross each other's beats.

So independent of each other are these political entities that at times the city government is controlled by elected Democratic officials, the county government by elected Republican officials, and *vice versa*. At times, owing to the ups and downs of politics, neither party has absolute control in one or more of their political entities and a bipartisan arrangement is made as was

recently the case of the Sanitary District and South Park Board.

The officials who administer and carry on the functions of government attached to these different political entities are either elected directly by popular vote, or are appointed by officials elected by popular vote. The mayor and aldermen are elected by popular vote. So are the president and commissioners of the County Board and the trustees of the Sanitary District. The mayor appoints all of the trustees of the Board of Education and the members of the Library Board. The officials of the Lincoln Park Board and West Park Board are appointed by the governor, and the members of the South Park Board are designated by the Circuit judges.

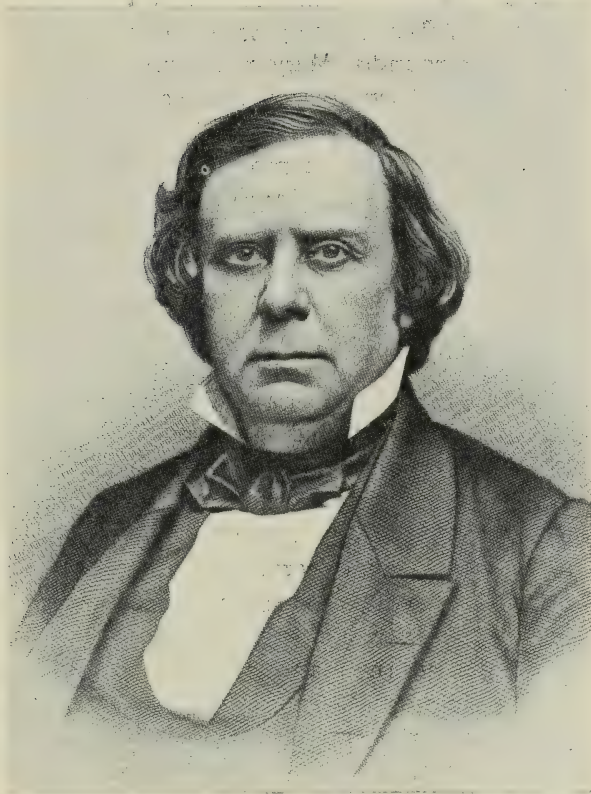
Its Political Parties and Their Leaders.

To control the election and selection of these public officials, who must number over one hundred and control the appointment of thousands of underlings, political parties have been organized and maintained in Chicago as elsewhere. Nominally these parties divide on lines of national politics. They are called the Democratic and Republican parties and at all elections these two parties place candidates in the field for election under the titles of "Democratic Ticket" and "Republican Ticket." Under the direct primary law independent tickets and independent candidates succeed frequently in getting their slates or names printed in the official ballot; but seldom, if ever, succeed in being elected. Organizations have almost always been effective as against even the strongest individual efforts in the primaries. As a result, the people on election days are always presented with an official ballot containing in the two first columns such names as have been nominated by the Democratic and Republican parties. They have the option of voting for either Democratic candidates or Republican candidates, or of throwing their votes away on independents who have little or no chance of success. Public officials are nearly always therefore under this system men and women who call themselves either Democrats or Republicans.

The two organizations called Democratic and Republican are nearly always controlled by a few shrewd and able men.

With many of these men I came in personal contact during the fifty-five years I have lived in Chicago. Monroe Heath was mayor of Chicago in 1876 when I first commenced to meet men in public life. He seemed a quite unemotional business man who had no decided flair for public life and was succeeded by Carter H. Harrison, Sr., who, on the contrary, had a decided flair for such a life, an imposing presence and a captivating manner. He had a handsome face and figure and impressed one as an intellectual, well-educated gentleman. He and a colony of other cultured and well-educated gentlemen had recently come from one of the Southern states and located in Chicago. Among these were the Owsleys, the Honores, Bernard Caulfield and Judge John G. Rogers. Once elected mayor, he soon became the people's favorite and maintained his popularity until his tragic death. He was a shrewd business man, an honest and trustworthy official and a rattling good stump speaker. While he had many able political lieutenants and some confidants, he seemed to be his own political boss and a successful one. His office when mayor was on the first floor of a miserable rat-trap of a building hastily erected by the city after the great fire of 1871, around an old water tank where now is located the Rookery Building on the southeast corner of LaSalle and Adams streets. In the second story of this ramshackle building were located the Circuit and Superior courts. In this building I first practiced law in the upper courts. My office was in the Schlosser Building where the Bank of the Republic now stands on the northwest corner of LaSalle and Adams streets. My favorite lunchroom at the time was a lunch wagon elevated about ten feet on stilts above the level of the low ground on the southwest corner of LaSalle and Adams streets, now occupied by the Central Trust Bank. For fifteen cents I procured in this lunch wagon many a hunger-destroying lunch of meat, coffee and pie.

For eight years Carter H. Harrison, Sr., served as chief executive of the city with great credit. He was succeeded in 1887 by John A. Roche, a Republican, and Roche was succeeded by DeWitte C. Cregier, a Democrat. When, in 1892, the World's Columbian Exposition was about to unfold to the world its marvelous architectural and artistic beauties and such mechanical



GEORGE MANIERRE CAME TO CHICAGO IN 1835. A GREAT LAWYER
AND IMPORTANT FIGURE IN PUBLIC AFFAIRS

and scientific wonders that millions of people from all over the world were facing toward Chicago, the people of Chicago demanded the return to the mayoralty of the man who above all could worthily and eloquently voice the welcome of Chicago to its visiting guests. Carter H. Harrison was recalled to the office of mayor in 1893, and, as it transpired, to his lamented and tragic death. After delivering a felicitous and eloquent address at the Fairgrounds, Mayor Harrison had returned to his home at Ashland Avenue and Jackson Street. A maniac named Prendergast rang the door-bell and asked to see the mayor. In his characteristic democratic way Mayor Harrison left his family intimates and stepped into the hall to see his visitor. After the passage of a few words and within a few seconds this maniac drew a revolver and shot fatally this great and kindly man. It appeared afterward that this maniac, who was not a licensed attorney or a practicing lawyer, had filed a crazy application for the position of corporation counsel, the highest and most responsible legal office in the city, and that the mayor had ignored or failed to respond to the same. For this, the maniac took his life. A few days afterwards Prendergast was arraigned before me, then a judge sitting in the Criminal Court, and the case was continued for early trial.

Fortunately for me and unfortunately perhaps for Prendergast, the case was afterward assigned to another judge for trial. From what I saw of the man in court and from what I read of him, I believed then and have since believed that the man was a lunatic and irresponsible mentally, morally and civilly. If he had been tried before me, I might have sentenced him to Chester penitentiary for the criminally insane instead of the gallows, much as I admired and respected and mourned the death of Mr. Harrison. Any judge who at that time would have sentenced Prendergast to Chester would have been extremely unpopular, such was the love and esteem of the people for Mr. Harrison and so bitter was their feeling against the unfortunate Prendergast. He was hanged soon afterwards, notwithstanding the efforts of two high-spirited and disinterested leaders of the Chicago bar, S. S. Gregory and Clarence S.

Darrow, to have his insanity established in court and save his life.

In 1892 the local machinery of the Democratic party was controlled by two able and adroit young men, Roger C. Sullivan and Jacob J. Kern. They were able to and did control the election of the majority of the delegates elected to the Democratic convention which was to select the ticket to be nominated and placed before the public at the election to be held in November of that year. The opposition to these two men in the convention was led by Francis W. Walker, a classmate of mine in Law College, a very able and eloquent man and a successful jury lawyer. Sullivan and Kern at this juncture needed a spokesman or "mouthpiece" in the convention who could hold his own with Walker. Richard Prendergast, who had been county judge of Cook County and president of the Sanitary District, was a warm personal friend of mine and was urging my nomination as judge in the convention. Sullivan and Kern came to Prendergast and urged him to ally himself with them and be their spokesman and leader in the convention. Prendergast acceded to this upon their promise to support me for judge and to support some other friends of Prendergast for nomination to other offices. As the result of this coalition I was nominated in 1892 for judge of the Circuit Court and elected judge in November, when thirty-eight years of age. Thereafter, until I left the governor's chair in 1917, I came more and more in contact with the strong men of both political parties and the leaders of public thought and action in and out of political parties.

Judge Richard Prendergast was a remarkably able and gifted man, sagacious in counsel and eloquent in speech. After retiring from the bench he rapidly acquired an ample fortune from a few years' practice at the bar and was carried off probably from overwork when only forty-two years of age. Had he lived, he would have continued to grow in influence and power, and have helped to shape the policies and works of the great City of Chicago.

Roger Sullivan was a very successful and able leader of men. He had a pleasing address, a soft blue eye, an engaging manner. Not a gifted public speaker, he was able to formulate plans

and successful in carrying them out. He soon found an opportunity to become interested in valuable municipal franchises obtained largely through his efforts and those of his friends and became very rich therefrom. He was not hypocritical or double-faced and was always opposed to my efforts to procure municipal ownership. While we clashed in argument, we always preserved our tempers in our frequent contacts in politics. He had the happy faculty of making and maintaining strong friendships.

Jacob J. Kern was a power in Democratic politics in 1892, secured his own nomination for state's attorney in that year, and served his full term of four years. After retiring from that office in 1896 he resumed the private practice of the law. During his term of office or about that time he married the amiable daughter of a very rich man and amassed considerable wealth of his own. His active interest in politics soon disappeared and for many years past he has not participated actively therein.

About 1893 I came in contact with John P. Hopkins. Upon the death of Harrison, Sr., he and Roger C. Sullivan seemed to have absolute control of Democratic politics. A tall, handsome but cold-featured man, Hopkins had the ability but not the suavity of his close friend Sullivan, but they operated in harmony until the death of Hopkins. The latter was elected by a narrow majority to fill the vacancy as mayor caused by the death of Carter H. Harrison, Sr. Two ordinances of immense value to the recipients were passed by the City Council during Hopkins' incumbency of the mayoralty, one of them known as the Ogden Gas Bill ordinance which proved to be financially advantageous to at least ten city officials. Both Sullivan and Hopkins died in the full noon of their political power, leaving rich estates and mourned by many admiring friends.

On the Republican side of the fence from 1892 when I first appeared in public life as judge, down to 1904 when C. S. Deneen was elected governor of the state, there appeared many men with more or less political strength who aspired to head leadership of the party, among others Judge Harry Olson, Doctor Jameson, Henry Hertz, Christopher Mamer, John J. Healy, Joseph Haas, William Lorimer, Fred Busse and Charles S. Deneen. The three latter, however, were the only ones who came

nearest to the position of political "boss," and they developed strength enough to submerge all the others but themselves.

By the year 1904 Deneen, Busse and Lorimer were the three triumvirs of the Republican machine, but with almost equal and divided powers. In 1907 these three powerful leaders of the Republican party agreed to nominate Busse for mayor and divide amicably the spoils of office. Backed by the financial interests behind the so-called traction settlement ordinances of 1907 and by the expenditure of an enormous amount of money among the bosses of both the Republican and Democratic parties, they succeeded in electing Busse mayor of Chicago over myself. Upon his election Busse promptly appointed Edward J. Brundage, one of his ablest and most devoted supporters, his corporation counsel. Busse was a shrewd, hail-fellow-well-met ward organizer and for some time before his election held absolute control of a string of North Side wards in which lived a large number of voters of German and Swedish lineage. Upon his appointment as corporation counsel, Brundage soon became recognized as Busse's chief lieutenant and political heir and upon Busse's death in 1914, Brundage became the leader of a large portion of the Busse following.

Of the leaders of these three elements of the Republican party, Deneen was the ablest and most successful. A strong intellectual face and a well-set, muscular body, combined to display his mental and physical power. Unemotional and lacking in a sense of humor, he was always courteous and sociable in his interviews. Like Carter Harrison, Jr., he was most painstaking and industrious in cultivating personal acquaintances and contact with ward and precinct politicians. When not officially engaged, Harrison and Deneen used to send for and talk to these gentlemen in a friendly and intelligent way and by personal contact both Deneen and Harrison in this way built up organizations of men who were unusually personally devoted to each of them.

Among the rank and file of the Republican party, Lorimer for many years was the most popular of the Republican leaders. A handsome, quiet-speaking man of good address and figure, he had an affable way about him that made him many enduring

friends. He was a man of marked ability who had by his own efforts elevated himself from the position of street-car conductor to that of congressman. He was a public speaker of no mean ability, was very popular on the Southwest Side of the city, but had ardent friends all over Chicago and was repeatedly elected to Congress. His affable manner and winning ways had made many friends even among his Democratic neighbors and acquaintances. At the height of Lorimer's popularity and political power, Deneen was governor of Illinois, and the famous deadlock occurred in the Legislature over the selection by the Legislature of a United States senator from Illinois to succeed Senator A. J. Hopkins. This deadlock was finally broken by a coalition in the Legislature between a large number of Republican and Democratic members who voted for Lorimer. He took his seat in the Senate and served as senator for over three years when his election was set aside by the United States Senate as mentioned elsewhere in this book. After his rejection by the Senate, his political power was weakened. A great deal of what was left of it (for he still retained personal popularity) was transferred to William H. Thompson when the latter appeared on the major political horizon in 1915.

Brundage, the third triumvir on the Republican side, after the death of Busse kept most of the latter's following in excellent control, and by shrewd alliances from time to time with the Crowe, Deneen and Thompson followings kept himself and his friends in such a position of political importance that they were taken care of in the distribution of political pie from the Republican pie-wagon. Brundage himself was elected attorney-general of Illinois in 1921.

In 1897 a new and forceful figure appeared in public life in Chicago on the Democratic side, Carter H. Harrison, Jr. His father's wonderful popularity and tragic death in public office only four years before had made the name of Carter H. Harrison one to conjure with. Young Harrison had inherited and held that identical name. It was soon ascertained that he had also inherited his father's sterling democracy and much of his ability, and that he was in hearty sympathy with and had earnestly supported the Democratic national platform upon



George Cannon

BEGAN LAW PRACTICE IN CHICAGO IN 1835. NOTABLE LEADER IN
LAW, BANKING AND INDUSTRIAL DEVELOPMENT

which William J. Bryan had run for the presidency in 1896. All these circumstances made Carter H. Harrison, Jr., the logical and the only rational candidate for mayor in 1897. He received the united support of his party and was elected by a handsome majority. The half century struggle between the traction interests and the people of Chicago for the perpetual control of the street-car transportation in the city developed one of its acute stages during the incumbency of the mayor's office by the elder Harrison. He and his son after him opposed vigorously every attempt of the traction people to acquire perpetual rights in the streets.

In 1885 the city, then being unable both legally and financially to take over the transportation and operate the same, was confronted with the claim made by the companies that they had a ninety-nine-year legislative grant and only needed a few ordinances that would enable them to extend their lines and give additional facilities for the street-car riders. Mayor Harrison refused them the ordinances framed by them, but finally effected a compromise with the traction companies, extending their rights for twenty years, or until 1905. The younger Harrison sturdily took the stand during his four terms, 1897 to 1905, that he would approve no ordinances extending further the rights of the traction companies to the streets that were not approved by the people by a referendum vote. As the temper of the people was unmistakably unfavorable to the designs of the companies they got nowhere under the younger Harrison, although their franchise obtained in 1885 would expire in 1905. In this position Mayor Harrison was opposed by Roger Sullivan and Hopkins, who were always in favor of the private ownership of all public utilities, such as gas, electric lights, telephones and street-car transportation. Hopkins and Sullivan repeatedly opposed or were exceedingly lukewarm in their support of Harrison, but his father's popularity as well as his own, the approval of his official course given him by the rank and file of his party, and the support of those in both parties who believed in municipal ownership always reelected Harrison. During his incumbency of the mayor's office he kept in almost constant contact with his political supporters and became a practical politician with-

out abandoning any of his progressive ideals or his pledges to the people. Both of the Harrisons, upon leaving office, left behind them records of which they and their families and friends may well be proud.

After the political collapse of William Lorimer in 1912, following his rejection by the United States Senate, most of his following and many other Republicans gradually grouped themselves behind the colors of an aspirant for the mayoralty, William Hale Thompson, a wealthy young yachtsman and good sportsman, who, like Roosevelt, had spent some time on the ranches in the West and affected wild western ways. At the Republican primaries he succeeded in worsting Judge Harry Oleson by a narrow margin and then faced Robert M. Sweitzer, the Democratic nominee and choice of Roger Sullivan. Sweitzer had been county clerk and served with much efficiency and satisfaction to the public. He was an able speaker as well as a favorite after-dinner humorist and toastmaster, and was quite popular among all classes. He seemed better and more favorably known to the public than Thompson and more likely of election until in the last hours of the campaign tens of thousands of window cards were displayed in the windows of the shops and homes of the city containing a "Know-Nothing" attack upon Sweitzer's Catholic religion. This last-minute stroke of religious fanaticism was successful for the first and only time in Chicago in the last half century, and Thompson was elected by a huge majority. Whether this political stroke was inspired and carried out by Thompson's campaign managers or whether by Thompson's "Know-Nothing" friends, I never learned; but strange to say when he entered public office he gathered to his bosom Catholics, Jews and Negroes, all of whom are anathema to the "Know-Nothings," and placed them in responsible positions and afterwards conducted his last campaign with an appeal to the Germans, Irish and other foreign elements. During his campaigns as well as during his incumbency of the office of mayor he has professed and preached municipal ownership, avoidance of foreign entanglements, the rights of free assemblage and free speech, intense love of America (in his slogan of "America First"), development of waterways and other

schemes which he thought would strike a popular chord. During the years 1929 and 1930, however, although still mayor of Chicago, he remained dumb as an oyster on all of these subjects and has allowed most, if not all, of his official acts to be controlled by his corporation counsel, Samuel Ettelson, formerly the political attorney of Samuel Insull. During these two years not a move was made by him to carry out any of the municipal ownership projects he so loudly advocated, although some of them were being imperiled by the City Council over which he silently presided. Thompson, erstwhile the advocate of municipal ownership, "Bill the Builder," became "William the Silent." Why this sudden change in his personal conduct in his political position? There were two causes for this remarkable reversal of form. The unforeseen political disaster which he and his followers met with in the Republican primary in April, 1928, and the rendition of an enormous decree against him personally and other defendants in the chancery suit brought against him by the *Chicago Tribune*. The decree was for nearly \$2,500,000. If affirmed by the Supreme Court, it would have ruined the mayor financially.

Flushed with the intoxication of his victory over Mayor Dever and his selection for a third term as mayor of Chicago, Mayor Thompson began in April, 1927, to pose as a national figure. He headed an excursion down the Illinois and Mississippi rivers and received ovations from St. Louis to New Orleans as the aggressive advocate of flood relief and the opening up of the inland waterway from Chicago to New Orleans.

In cooperation with Governor Small, State's Attorney Robert E. Crowe, Judge Barasa and others of his able political lieutenants in Cook County he began to lay plans for the control of the State of Illinois, the reelection of Governor Small and the election in Cook County of Thompson adherents to all the county offices in Cook County. During 1927 all indications appeared to favor the success of Thompson and his adherents both in Cook County and in the state. In the winter of 1927-1928, however, things began to appear which disturbed the Thompson program. The Republicans controlled the Board of Assessors and Board of Review. The size of the new quadrennium tax bills,

based on the assessments made by these boards, began to reach the taxpayers. These bills were so outrageously increased over former years and were so discriminatory in character that the unfortunate owners of real estate rose in revolt. Some of them appealed to the courts and the State Tax Commission with the result that the State Tax Commission ordered a reassessment of the whole of Cook County. During the same winter murderous crime ran rampant through the city. The high-jacker and bootlegger discarded revolvers and sawed-off shotguns as antiquated weapons and opened up their machine guns and repeating rifles against their foes. Racketeers hurled their deadly bombs in the public streets. An assistant state's attorney was one of their victims. Murders and assassinations were the order of the day with but few, if any, arrests for these deadly crimes.

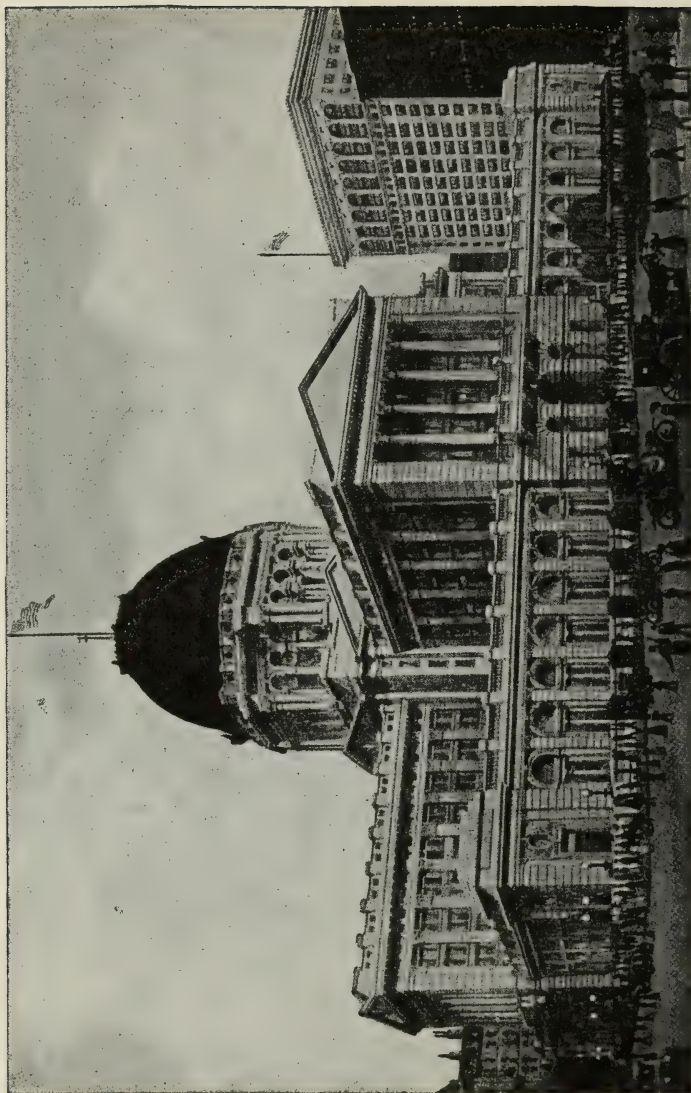
The primary elections for the selection of candidates for governor, state's attorney and other important county and state offices was set for April 10, 1928. Long before the arrival of that day rumblings of discontent with the conduct of the Board of Assessors, the Board of Review, the state's attorney's office, the sanitary district and the city administration were heard throughout the city. Thompson's city organization and State's Attorney Crowe's county organization, however, were in excellent fighting condition. They seemed to have plenty of money and plenty of fighting spirit, but the property owners were desperately mad and the average citizen was sick and tired of almost daily murder and bomb throwing. In the middle of the campaign Senator Deneen's home was bombed and then Judge Swanson's home was attacked with bombs. Swanson was the candidate for state's attorney on the Deneen ticket. State's Attorney Crowe claimed that these bombs were thrown by Senator Deneen's friends for political effect and offered a reward for the apprehension of the bomb throwers. The general public, however, seemed to doubt that Deneen or Swanson's friends would imperil their lives or the lives of their families to win success at the polls. The citizens of Chicago had finally tired of excessive taxation, waste of public monies, wholesale assassinations and bomb throwing. They went to the polls cursing Thompson and all his followers. Emmerson beat Small for

governor by nearly 440,000 in the state and nearly two to one in Cook County. State's Attorney Crowe and practically all of the other Thompson candidates for public office in Cook County were badly beaten. This was the beginning of the Napoleonic Thompson's retreat from the American Moscow. Other political disasters soon followed.

The Chicago Tribune Company during Mayor Thompson's second term of office as mayor had filed a bill in chancery in behalf of the City of Chicago against Mayor Thompson, the city comptroller, George F. Harding, Michael J. Faherty and others, claiming that the defendants had conspired to defraud and had defrauded the City of Chicago out of a large sum of money by the making of illegal contracts and the payment of excessive and illegal sums of money to alleged experts in the prosecution of public improvements and praying that the defendants be made liable therefor and that they be compelled to repay to the city said sums of money so illegally paid out of the city funds.

The hearing of said suit of the Tribune Company against Thompson, Harding, Faherty, *et al.*, commenced in 1921, came on for trial commencing March 2, 1926, and evidence was taken on and off for about two years. The evidence disclosed the actual making of the contracts by Faherty charged in the bill and the payment of some \$2,000,000 in expert fees to the real estate and building experts even by Faherty's admissions. The tax bills for the year 1927 had been mailed to the property owners and the enormous increase in same shocked the public, and finally, on June 29, 1928, the chancellor who was trying the case, Judge Hugo Friend, of the Circuit Court, rendered judgment against Mayor Thompson and two of his cabinet officers, Harding and Faherty, for \$2,245,604.52, holding them civilly responsible for that sum diverted from the treasury of the City of Chicago by reason of what Judge Friend found to be a corrupt conspiracy between those three and others. This case was recently reversed by the Supreme Court of the state on the ground that there was no evidence in the case showing that either Thompson or Harding had been a party to any conspiracy to defraud. On the hearing it was proved that Michael J. Faherty,

president of the Board of Local Improvements, appointed by Thompson, entered into contract with three real estate and two building appraisers to appraise between \$200,000,000 and \$300,000,000 worth of property at the rate of one per cent each on the value of the property so appraised, and that in 1920 \$2,917,866.07 was paid to the five for the work done in that year, or at the rate of \$1,900 per day for each appraiser. Faherty on the witness stand admitted this, claimed he was authorized so to do by the finance committee of the City Council, and sought to justify such contracts as just and reasonable. That he had such authority from the finance committee was denied by the complainants in the trial. That such contracts were just and reasonable was denied by the chancellor who heard the case. That the city should pay such enormous fees at the cost of the taxpayers shocks the man of ordinary intelligence. It so affected the chancellor who tried the case; it so affected the public. The other defendants, Mayor Thompson and Comptroller Harding, did not take the witness stand, but moved to dismiss the case as to them because there was no proof connecting them with the making of the extraordinary contracts or the payment of these enormous amounts of money or of their conspiring with those who made the contracts. Two of the expert appraisers who were made co-defendants as co-conspirators with Faherty, Thompson and Harding, each of whom had collected in 1920 \$577,426.41 as fees, made restitution of considerable amounts and procured from the city agreements not further to sue them. Ernest H. Lyons, one of these appraiser defendants, paid over to the city \$40,000 cash, real estate worth \$50,000, city certificates of indebtedness to him aggregating \$18,631, and made an agreement to dismiss a suit against the city for expert services rendered in matters not connected with the subject of the *Tribune* lawsuit amounting to \$139,827.51. He also transferred and conveyed to the city his claim to recover from the United States Government income taxes amounting to \$183,594.87, paid by him to the Federal Government in 1922 and 1923 out of his income earned from the city in 1920 and 1921 amounting to \$583,481.41 for work done on the Faherty contracts. This defendant claimed in his statement made to obtain settlement



FEDERAL BUILDING, CHICAGO

that he had paid \$82,500 to Coffin, another co-defendant, for political contributions; \$26,000 to Nichols, another defendant; \$62,000 for legal expenses, and \$183,594.87 to the Government of the United States as income tax.

Arthur S. Merigold, another of the real estate appraisers who were made defendants with Thompson, Harding and Faherty, also during the pendency of the suit made restitution and secured a like agreement to no further prosecution. He released several claims he had against the city, including all claims under the Faherty contract. He made a showing that notwithstanding the enormous fees he received from the city in 1920 that he was at the time of the settlement insolvent. He showed that he had paid \$164,222.11 income taxes to the United States Government, \$130,639.57 to Brautigan, another defendant; \$27,000 to Charles M. Nichols, another defendant; \$65,490.13 to the Republican machine for political purposes and \$52,000 legal expenses, and expended the balance in doctor's bills and living expenses. A hasty review of the enormous record in the case leaves considerable doubt as to whether there is clear proof against Thompson and Harding of actual knowledge of or participation in the making of these extraordinary contracts or the payment of these enormous fees, yet on December 22, 1920, the mayor in a message to the City Council called attention to the fact that April 10, 1920, the *Chicago Tribune* published in its columns the charge that "Building experts, real estate experts, and commissioners in connection with city improvements have been paid \$1,240,625 since Mayor Thompson has been in office," and that the *News*, June 16, 1920, charged that "the city's money to the extent of hundreds of thousands of dollars continues to be squandered in fees paid to so-called experts." Another article of the *News* attached to the mayor's message, dated June 24, 1920, speaks of "the scandalous waste of hundreds of thousands of dollars paid out shamelessly by the Thompson administration to political favorites for alleged expert services."

These serious charges read by him and placed by him before the City Council surely should have put him upon notice and should have required him to examine and ascertain the facts. Hundreds of thousands, aye millions, read these serious charges

in 1920 during the second year of Mayor Thompson's second term as mayor, and as there was no specific denial of the charges the readers reached the conclusion that the taxpayers of Chicago were being swindled and that the mayor was morally if not legally responsible for the acts of his appointees. These acts were regarded by the citizens of Chicago as typical of the administration and so unpopular became the mayor and his administration that in 1923 he feared to face the people at the polls and ask reelection. At that time he retired from public life as it was supposed forever. So bad was the odor around the Thompson Republican administration organization that the Democratic candidate, William E. Dever, a popular candidate, was elected mayor by about 100,000 majority. The new mayor, a clean, honest man, soon began to lose popularity. Selecting George Brennan for his political mentor, he surrounded himself with legal experts and other advisers who induced him to sanction a traction ordinance which has elsewhere herein been analyzed and criticized and which was buried by a popular majority on referendum of about 106,000. Although by personal habit he was "wet," as was his mentor, Brennan, he promptly instituted a police campaign of intense thoroughness against evasions of the Volstead act. If he revoked a license for a coffee shop he refused to issue any new license to another person, no matter how clean his character, to sell non-intoxicants in the same place.

Property owners protested at this rental confiscation of their property in vain. The attempt to pass the 1925 traction ordinance and the resentment of the general public against his personal fervent zeal to dry up the city, both combined to make his candidacy for reelection a splendid opportunity for a Republican leader of nerve and capacity to cross swords with him in 1927. To the great surprise of those who believed in 1923 that William H. Thompson was a political corpse, he became a candidate for mayor at the Republican primary, defeated easily a formidable candidate in the person of Edward R. Litsinger, and challenged Dever to meet him at the polls.

With his usual dash and aplomb he forced the fighting from the start, declared he was a disciple of George Washington

and a foe of King George, that he was for the opening of the Illinois Waterway and a liberal government for the citizens of Chicago, opposed to the traction barons and "snooping" policemen, opposed to the water meter ordinance and opposed to George Brennan and all his traction schemes. With these shibboleths he captured the crowd and was reelected mayor for a third term over Dever by a plurality of over 83,000 votes. The people of Chicago had temporarily forgotten the serious charges made against his administration in 1920 and 1921. He had now reached the climax of his political career. Like Napoleon he had captured a great inland city, but soon wished himself out of it.

The crushing defeat which the mayor and his followers suffered in the Republican primary election in April, 1928, and the rendition of the enormous decree against him personally and against two of his cabinet officers personally appeared to shock the mayor into a condition of lassitude and weakness. For a time he who was prone to exhibit himself frequently before the public retired into obscurity. The effect of this judgment upon the mayor himself was both mentally and physically tremendous. It impaired his vigor and destroyed his nerve, for it threatened financial ruin and political disaster. His old dash and daring seemed to desert him and for many months he practically disappeared (although still nominally the mayor) from active participation in the duties of his official life, leaving to subordinates the performance of all official functions except such as the law required to perform in person. No more was his clarion voice heard upon public questions. He became William the Silent. The eternal traction question after the rendition of this judgment and the defeat of the Thompson element in the primary election of 1928 came up for public discussion in the Council and in the Legislature, but Mayor Thompson never displayed by speech or action the slightest interest therein.

Samuel Ettelson, a member of the law firm who transacted all of Samuel Insull's politico-legal business, until he was appointed corporation counsel for the City of Chicago since the rendition of this fateful decree against the mayor, became the latter's mouthpiece on practically all municipal legal and po-

litical questions. The Friend decision was a dynamic shock to the mayor and his friends of so serious a character that it has occasioned at times expressions of sympathy even from his political foes. If the decree is affirmed it will mean financial ruin for a man who all his life has enjoyed the comforts and luxuries of a large private fortune bequeathed him by his father. There was no proof that a dollar of the expert fees ever reached the mayor. Nor was there any proof that Comptroller George F. Harding ever was the beneficiary of any of these illegal disbursements. The mayor's subordinates whom he trusted ran his political machine and he, the mayor, was careless and failed to keep tab on their methods and check their extravagance and wild dissipation of public monies.

On May 20, 1930, he abandoned officially all his former professions in favor of public ownership and signed an ordinance passed by the City Council which in effect is a perpetual grant and which compels the city to surrender its traction fund of \$61,000,000 and forfeit an annual profit of over \$3,000,000 which it now receives annually from the surface and elevated lines.

He completely abandoned all his professions in favor of public ownership of necessary public utilities, or he never had such convictions and used his professions in favor of such a program to delude and deceive the public and obtain public office by such professions.

CHAPTER LXXIV

THE RISE AND RAPID DEVELOPMENT OF LIGHT AND POWER COMPANIES

The discoveries and labors of Edison, Marconi and other great explorers into the electrical world have within the last half century, done more to revolutionize transportation, artificial lighting and manufacturing power than all the labors and investigations of the ablest scientific men who have existed on this earth during the last twenty centuries. The marvelous development of these lines of industry in Illinois and neighboring states is mostly due to the corporations founded and fostered in Chicago by Samuel Insull and his associates.

In my own lifetime I can recall that all street cars in the cities were propelled only by horses or mules; that the only artificial lights were from candles, kerosene lamps and later gas.

During my boyhood we had no automobiles, no telephones, no electric lights, no radios, no phonographs, no victrolas, no movies, no talkies, no dictaphones, no washing machines and no electric stoves or heaters.

All these wonderful conveniences and labor saving devices have within the last two or three decades been placed at the disposal of the general public by powerful corporations engaged in the development and distribution of electric light and power chief among which in and around the State of Illinois are the corporations at the head which is the dynamic figure of Samuel Insull.

Of course, the initial opportunity of developing and distributing the electric light and power in the west came to Insull and his associates by reason of the fact that he and his associates possessed the right to use the patents secured by the great inventors.

The right to use these patents, however, on the enormous scale under which they are now used by the hydro-electric light

and power companies would not alone have enabled these companies to arrive at their huge development, if these companies had not secured two other essentials for such development, first the possession of the locations on the banks of rivers, streams and lakes where such power could be developed by the falling waters; and other locations convenient to the coal fields and centers of dense population; and secondly, franchises or permits from the states and cities and other corporate public authorities within which dwelt the people and the manufactories who would consume and utilize the electric power developed along these waters and in these convenient locations.

The quickly organized corporations proceeded promptly to acquire by purchase or lease the locations along the banks of these waters, rivers and streams, and other locations near coal deposits and great centers of population, and none of them more promptly than the Insull corporations.

Once in possession of the right to use the patents and the locations where electric power could be wrested from these falling waters and coal fields, these corporations next proceeded with much energy and shrewdness to secure franchises, first, from the most densely populated cities. They gradually extended their quest for franchises into smaller cities and towns, and eventually their wires, into the suburbs and less densely populated districts until they had covered most of the State of Illinois and its neighboring states.

Their methods of procuring such franchises, however, were not always free from criticism and censure. The franchises could only be obtained from the corporate authorities of the States, Counties, Cities, Villages and Towns and these corporate authorities consisted of human beings elected to office by the people. This also was true of the assessors charged with the duty of assessing property for taxation. The State Commissioners charged with the duty of regulating the charges and service of these corporations were appointees of the Governor. The election and selection of persons who would fill these responsible offices was a matter of great importance to the people and to the electric light and power companies. Both the people and these companies should have been motivated by the

desire to secure in these positions only fair, impartial, honest and intelligent persons, having no selfish or sordid interest in their official findings and actions. While in public life, both in the Mayor's office and the Governor's office many circumstances convinced me that these companies did not want fair, impartial, honest and intelligent men in these offices—they wanted men in these positions who would be under financial obligations to these companies or that would be benefited financially or politically by doing official favors for the companies.

The companies became intensely active in political life and elections in Chicago and throughout the State. Before elections and conventions their industrious agents scouted around and sounded out the character, inclinations, records and characteristics of every man who sought office; if that office had anything to do with public utility franchises, it mattered not to what political party he belonged. If the candidate would accept a financial contribution to his campaign fund and had a remote chance of success he was accommodated most liberally, on the theory, that politicians gratefully remember favors extended in the hour of need.

If elected, the friends of the candidate, if recommended by the candidate, were given good jobs, and the wishes and other requests of the elected official were promptly honored.

The financial intimacy between politicians and the companies was disclosed in the report of the Public Utility Commission of June 30, 1916, where it appeared the two most powerful politicians in the Democratic party in Chicago were heavy holders of Commonwealth Edison Company stock—one of them held 15,730 shares of the par value \$1,573,000 and the other held 12,101 shares of the par value of \$1,210,100.

Again the financial intimacy of these corporations with influential politicians controlling official contracts between the corporations and public officials was disclosed during the senatorial investigation into the election of Frank L. Smith to the U. S. Senate in 1928.

In that investigation it was shown that Mr. Insull had contributed \$125,000 to the campaign of Frank Smith, the successful Republican candidate and about \$20,000 to the campaign

expenses of George E. Brennan, Smith's opponent on the Democratic ticket.

Smith had occupied the influential position of Chairman of the Illinois Commerce Commission, which commission was empowered by law to fix the rates and the character of the service rendered by the public utility corporations doing business in the State of Illinois. His treatment of these corporations had apparently been satisfactory to them. Because of the facts which were proved in this investigation, the Senate of the United States refused to allow Mr. Smith to take the oath of office or his seat in the Senate although he had been elected by a very large majority over the sitting member, the late Senator McKinley.

Another instance in this State of the tremendous power exercised financially and otherwise was demonstrated in the last election and record of Mayor Wm. H. Thompson.

Before his election as Mayor in April, 1927 Mr. Thompson had a public record favorable to public ownership and operation of the surface street cars of the City.

Many thousands of his fellow citizens voted to elect him for the third time as Mayor because they believed him to be favorable to the City ownership of the surface street car systems. When the campaign was over it was noted that the Commonwealth Edison Company and its affiliated companies had not opposed his re-election.

Shortly after the election Mayor Thompson appointed Samuel Ettelson Corporation Counsel for the City of Chicago. Mr. Ettelson had for 16 years been a member of the Illinois Senate. His record in that body had been of such a character as to commend him to the Commonwealth Edison authorities. These companies employed him and his law firm as their attorneys. His firm was representing them in their politico, legal matters at the time of Mayor Thompson's election. When Mayor Thompson was elected the third time Ettelson promptly resigned from his law firm of which he was the head, and accepted from the Mayor his appointment as Corporation Counsel, for the City of Chicago and became thereafter the Chief Consultant of the Mayor and his confidential mentor and adviser in all legal and political mat-

ters. The Mayor during his last administration was very sick for many months and retired from his usually active participation in public affairs. During his long illness he refrained from public utterances and during that period his mouth-piece on all public questions was Samuel Ettelson.

It soon developed that the Commonwealth Edison Company and its affiliated companies had joined the surface street car corporations in a plan to consolidate the financial and franchise interests of the elevated railroads with the surface roads and to secure a new and extended franchise from the City Council to a new corporation, into which the elevated and surface lines would be consolidated, which would deprive the City of the chance of acquiring and operating any street transportation in Chicago for many generations, if not forever.

The sick and debilitated mayor under the guidance of the former attorney of the Commonwealth Edison Corporations forgot all his opinions and utterances on municipal ownership and weakly allowed the scheme to be formulated and passed by the City Council and signed the ordinance under the eye of his then political mentor, the former attorney of the Commonwealth Edison Company; when it was ascertained that not a single newspaper published in the City of Chicago would oppose the passage of the ordinance.

These were the methods by which the hydro-electric corporations of Chicago secured monopolistic rights to manufacture and distribute light and power to the citizens of Illinois, and its adjoining states and by which the founders and promoters of these companies have acquired enormous fortunes.

CHAPTER LXXV

CHICAGO—ITS NON-OFFICIAL LEADERS AND MOULDERS OF PUBLIC OPINION

In Chicago, as in other great cities there were many men and women who, while holding no official position and not making a profession or game of politics, exerted in a more or less degree marked influence upon the history of the city. With many of these I came in personal contact during the thirty-eight years that transpired between the time when I first appeared in public life and the present time. In a work of this limited size it is possible to mention only a few of them.

Marshall Field.

Marshall Field was without doubt the greatest and most successful merchant of his era. He established and maintained in his business a reputation for fair and honest dealing with his patrons, which he was able to transfer to the corporation he afterwards organized in his partnership name and which still carries on what is probably the largest dry goods business in the world. He paid but little attention to politics except when his business or property might be affected by official acts or policies. Then he worked quickly and effectively. Through his immense advertising he was able to reach public opinion and public officials through the newspapers. For business reasons, he, it was claimed, held a considerable amount of traction stock, particularly in the City Railway Company, and was able therewith through his influence with the newspapers by advertisements to route the car lines so as to enhance the value of his real estate holdings. He arranged an interview with me after I had been elected Mayor on the municipal ownership platform, and seemed much pleased when I assured him that if the city took

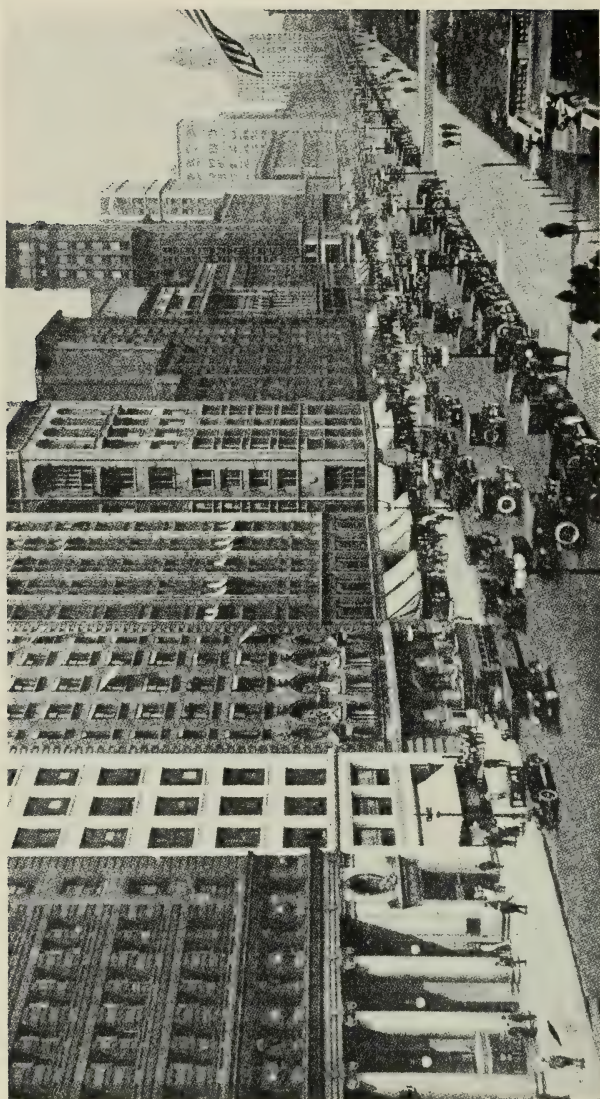
over the traction properties that I would see that every stockholder in the companies would be paid one hundred cents on the dollar for every dollar he had invested with interest.

Margaret Haley.

One of the most forceful characters in the City of Chicago during the first quarter of the twentieth century was a dynamic little woman weighing about 120 pounds, a school teacher by profession, but an evangelist by nature. She had been selected some time about 1901 or 1902 by the Chicago Teachers' Federation as their business agent or representative to act as their agent and spokeswoman in all matters before the board of education, the city council and the legislature of Illinois. She soon discovered that the repeated requests of the Chicago teachers in the public schools for decent remuneration were being denied or ignored by reason of the fact that the board of education was unable to secure from the tax assessing bodies sufficient funds by taxation to give what the teachers claimed would be decent compensation for their labors. It did not take long for Margaret Haley, the business agent of the Teachers Federation, to discover that many powerful and wealthy corporations were escaping taxation altogether or were paying grossly inadequate assessments.

Armed with this data taken from the assessor's records she hired able attorneys who filed a bill in the circuit court praying the court to enter a decree compelling the tax assessors and board of equalization to do their duty and assess the corporations escaping just taxation. This court proceeding, the first of its kind, was successful and it produced a sensation in tax levying and tax dodging circles.

Thereafter the teachers found much less difficulty in getting a successful hearing for relief before the board of education. To secure the backing of organized labor, she brought about an affiliation of the Teachers' Federation with the Chicago Federation of Labor, but when this was prohibited by the courts she dissolved the connection, but by that time she had massed behind the Teachers' Federation the sympathy and cooperation of union labor in any moves that it made in public matters.



MICHIGAN BOULEVARD
North from Adams Street, Chicago.

Whenever she appeared to discuss public questions, as she constantly did, either before the city council, the Legislature or at public mass meetings, what she said was listened to with great care. She was a clear, lucid and convincing public speaker, and movements or policies advocated by her were generally helped by her advocacy or injured by her criticism. No woman and but few men in the City of Chicago were greater factors in advancing progressive movements or in killing dangerous measures than Margaret Haley.

Jane Addams.

Jane Addams, the angel of mercy and benevolence, at Hull House, was another citizen who wielded in her quiet way great influence in all matters arising in the city which might affect the health, the well being or the constitutional rights of the poor and lowly. She accepted from me when Mayor an appointment on the board of education and in conjunction with my other appointees to that board administered its duties in such a manner as to give entire satisfaction to the public and the teaching force. On all sociological questions her views were eagerly sought and widely respected not only in Chicago but throughout the world.

William L. O'Connell.

Another individual with whom I came in contact while I was Mayor was William L. O'Connell. A successful salesman for a large wholesale grocery house in Chicago, he had developed a large and lucrative trade. In the busy prosecution of his trade he came in contact with many retailers in Chicago who were active in politics and he soon developed a taste for political life. Elected chairman of the ward committee in his own ward, he rapidly developed a friendship with others active in politics in the adjoining wards of the South Side. He soon wielded great influence in these wards and was a power in all democratic conventions. When I was elected Mayor I had no trained and experienced political leader upon whom I could count for political advice and tactics. I was nominated and elected on a ground-swell and when installed in office was surrounded by

many ardent supporters, but no trained politicians. C. S. Darrow, Joseph Medill Patterson and James Hamilton Lewis were among my closest intimates and advisers, all of them men of great ability but none of them trained in city or ward politics.

While in the mayor's office I frequently came in contact with William L. O'Connell, then a deputy commissioner of public works under Joe Patterson. Commissioner Patterson delegated much of the detail work of his office to O'Connell and that brought him in contact with myself. A handsome, intelligent, capable young man, I soon became attracted to him, and when Patterson resigned I appointed O'Connell commissioner of Public Works. From thence on our intimacy deepened and developed into mutual trust and esteem. These relations continued and when I ran for reelection as mayor he managed my campaign and did it so intelligently and efficiently that my vote for mayor ran much above the vote for my platform. The ordinance that I opposed was approved at the polls by a much larger vote than Busse's vote for mayor over mine. In all my subsequent campaigns O'Connell was my manager and trusted guide. When I was elected Governor he managed the campaign. I found him clean, honest and efficient and he never advised me in public life to do an unconscionable or unworthy act.

Raymond Robins.

My acquaintance with Raymond Robins began in a peculiar way. During the mayoralty campaign, when John M. Harlan was my Republican opponent, Robins was one of Harlan's most forceful and eloquent oratorical supporters. He roasted me and my municipal ownership program over a hot oratorical fire. To my great surprise, about a month after my election he came to the mayor's office and introduced himself and said that he felt he had made a mistake in supporting Mr. Harlan, that he had been watching me and making investigations that satisfied him that I, Dunne, in the mayor's office was the right man in the right place. He then assured me that from that time forward he was my supporter in any capacity he could be of service. He kept his word and when I was a candidate for reelection as mayor against Busse he made some of the most eloquent and

stirring speeches in my behalf that I have ever listened to. Raymond Robins was a gifted orator and a high-souled man. He afterwards supported Theodore Roosevelt for the presidency against Taft, and Dever for mayor against Thompson, though his great eloquence failed to win any of those contests.

James Hamilton Lewis.

One of the most picturesque and interesting figures in the last thirty years' history of Chicago is that brilliant orator and statesman, James Hamilton Lewis. No man that I ever heard has the faculty of so captivating an audience with winning words and convincing them with facts as has Senator Lewis. Born in the Southland, he has been a Democrat both by breeding and instinct. When I was a judge of the Circuit Court, at his request I had him placed as the orator of the day at a mass meeting, and both the audience and myself were carried away with his eloquence. When I was nominated for mayor in 1905 he volunteered his services and he helped most materially to swell the majority by which I was elected. We contracted a close friendship which is permanent. When I was governor I had the extreme pleasure of being able to effect a compromise with the Republican leaders in the Legislature under which Colonel Lewis was elected to the United States Senate for the long term of six years, and Lawrence Y. Sherman, the Republican candidate, took the short term of two years in the United States Senate. There were two senatorial vacancies existing at the time and neither the Democrats nor Republicans had a majority in the Legislature, so some sort of public open compromise was both advisable and necessary, but by it Senator Lewis obtained the long term in the United States Senate.

Senator Lewis made a splendid record when in the Senate and enjoyed a rather unusual intimacy with President Woodrow Wilson while in that position. His gifted eloquence has kept Senator Lewis in constant demand by the Democrats all over the nation, and his versatility, intellectuality, wit and humor at the banquet board have constantly charmed all classes of people irrespective of politics, race, creed or color.

As I write, Senator Lewis is again a candidate for the United States Senate, having been nominated by the Democratic party for that exalted position. Although Senator Lewis' personal habits are extremely temperate, to my personal knowledge acquired by intimate acquaintance with him, he has long been of the opinion that real temperance cannot be obtained by the eighteenth amendment and the Federal laws now in the statute books. He has publicly announced his present convictions on the subject and the principal plank in his platform is a demand for the repeal or modification of the eighteenth amendment and the repeal of the Volstead law. His Republican opponent, Mrs. Medill McCormick, has declared herself to be an out and out "dry," and unless she alters her program, as many Republicans are now doing, Senator Lewis stands an excellent chance of occupying the seat in the United States Senate formerly held by him and more recently occupied by her husband, Senator Medill McCormick, and now occupied by Senator Deneen.

This seems entirely probable, although the State of Illinois (with two quadrenniums as exceptions) has been overwhelmingly Republican since 1857.

(Since writing the above during the month of September, the election of November 4, 1930, took place. As I anticipated, Senator Lewis triumphed over Ruth Hanna McCormick. His plurality of about 744,000 votes is the largest plurality, so far as my recollection goes, that was ever given to any candidate in Illinois on either the Republican or Democratic ticket.)

Clarence S. Darrow.

Clarence S. Darrow is a remarkable man. Intellectually he had few equals and no superior in my time at the Chicago bar. Sociologically he was a profound thinker and a daring exponent of his thoughts. He had a philosophy all his own. He had great tolerance for, and sympathy with, men charged with crime, which he regarded as often being a disease. He used to speak of prostitution as an old-time profession. He professed no religion and declared himself an agnostic. He hated and denounced bigotry, prohibition and intolerance. He was one of the kindest hearted men I ever met. He frequently volunteered his great

ability and valuable time to save insane persons, negroes and other friendless persons from unjust punishment. He placed the Ku Kluxer, the religious fanatic and the prohibitionist all in the same class.

Every attempt to throttle a free press, free speech or the right of public assemblage found him hurling his invectives against them. He was an ardent advocate of the municipal ownership movement and backed my candidacy for mayor in 1905 with great ardor and eloquence. When elected mayor I appointed him traction counsel for the City of Chicago, and to him and my then corporate counsel, James Hamilton Lewis, and Edgar B. Tolman should be given the honor and credit of having finally killed in the Supreme Court of the United States the traction claims of a ninety-nine year franchise.

Victor Olander, John Fitzpatrick, Oscar F. Nelson, Agnes Nestor and Ed Nockles.

Among others who in my time had exerted great influence in moulding public opinion and guiding public policies in Chicago were a small group of labor men and women who were thinkers and doers of deeds. Prominent in this group were Victor Olander, John Fitzpatrick, Oscar F. Nelson, Agnes Nestor and Ed Nockles. They generally acted in concert and when they did union labor and the sympathies of most unorganized labor was behind them.

They were not content to confine their energies to laboring questions alone. Any movement that affected favorably or unfavorably the common men and women in the city had their support or antagonism, and they decided it generally as it deserved. They were all ardently for public ownership of public utilities and supported me in every campaign that I made.

Olander was at one time blind but was one of the best informed men on public questions in the community. He was a forceful and logical speaker. No man in the labor movement ever earned the confidence and respect of his fellow men as had John Fitzpatrick. He had a contempt for shams and "rackets" within the ranks of labor as he had for the same in other quarters.

Under the guidance of this group the labor movement has constantly moved forward and upward both on the statute books and in public estimation.

Charles E. Merriam.

Another gentleman who cut quite an important figure for some years in the political life of Chicago was Charles E. Merriam, professor of political science in the University of Chicago. An industrious student of political economy he was a brilliant writer and an effective public speaker. His professional studies in the midst of a great metropolitan city, where his theories were put to practical tests, almost constantly produced in him an inclination to personally engage in the science of municipal government in Chicago. In 1909 he offered himself as a candidate for alderman from the Seventh Ward of Chicago. That a man of his literary attainments and studious pursuits should aspire to mere aldermanic honors was a surprise to the ordinary politicians. Although they poked a few rude jokes into the campaign at the "professor," the citizens of his ward proved by their votes that they wanted such a man to represent them in the Council. He was chosen by a decisive majority and made such a clean and intelligent record as alderman and particularly as chairman of a council committee which brought into the light the many rackets of the Busse administration that many admirers in his ward and throughout the city encouraged him to become the Republican candidate for mayor in 1911. In the mayoralty primaries of that year triangular struggles took place on both sides of the political fence. Former Mayor Harrison, Andrew J. Graham and myself were the Democratic aspirants. Mayor Harrison had the support among others of all his former followers and employees during his former incumbency of the office, including Bath House John Coughlin, Hinky Dink Kenna of the First Ward, John Brennan of the Eighteenth Ward and other ward leaders. Mr. Graham had the united support of the Roger Sullivan organization and I had the support of many former political supporters and most of the progressives and advocates of municipal ownership. Graham ran a very poor



THE CHICAGO TEMPLE

third and I was beaten by Mayor Harrison by about 1,000 votes in the Democratic primary.

The Republican contest was between John R. Thompson, owner of many quick-lunch restaurants, John F. Smulski, a popular Polish-American banker, and Charles E. Merriam. Merriam won easily, his vote being greater than that of his two competitors combined.

Shortly after the primary election Merriam's friends came to me and offered proof that some 2,600 votes cast for Harrison in the First and Eighteenth wards by affidavit in the Democratic primary were illegal and cast by men who had no right to vote. The law at that time required all voters to be registered thirty days before election, but permitted voters who had moved or became of lawful age within the thirty days to vote by filing affidavits to this effect.

Taking advantage of this thirty day provision some 2,600 tramps and loafers, it was claimed, had filed false affidavits and voted. Merriam's friends urged that I ought to issue a public statement denouncing this prostitution of the ballot. The effect of such a statement would help Merriam and injure Harrison. Not having had this proof, I had prior to that time abandoned my contest against Harrison, and to take advantage of it at that juncture I did not think would be sportsmanlike or fair to Mr. Harrison. I declined to issue any statement, much to the disappointment of Merriam and his friends.

Professor Merriam was a gifted writer and an earnest advocate in and out of office of clean government. His effort to be fair and impartial in his public utterances placed him in the attitude of being regarded as a deep red by the public utility interests and as rather a pale pink by the advocates of public ownership, but the position he took upon public questions found many adherents.

Harold L. Ickes.

Harold L. Ickes is another forceful character who has frequently appeared before the public on the rostrum and in the newspapers. He is a born fighter and when he believes in a

cause will back it with vigorous tongue and pen no matter what may be the odds against him.

He was one of the principal leaders of the Progressive party which advocated the election of Roosevelt in 1912. He managed the campaign of Charles E. Merriam for mayor in 1911 against Carter H. Harrison most ably and efficiently. He was also a vigorous opponent of the proposed new constitution in 1922 and a vigorous assailant of the traction ordinance of 1930. His sympathies were always ranged on the side of the people against monopoly.

*Samuel Insull.**

The most influential man in business and politics in Chicago for the last three decades was and is Samuel Insull. I never met him to my recollection while in public office, but was aware of his influence in the Legislature, in the City Council and elsewhere in public life constantly. A few years ago while in private life I met him on an ocean steamer while returning from Europe. In private conversation he is a pleasant spoken, well informed, and cultivated gentleman showing evidence of studious habits and intellectual strength. His rise to power in the hydro-electric light and power world has been almost marvelous. At twenty-two years of age he became, fresh from England, private secretary to Thomas Edison, who found him so capable that he soon placed him in charge of his Chicago interests in the year 1892. He was made, soon after, president of the Chicago Edison Company and president of the Commonwealth Electric Company. When these companies were consolidated in 1907 he became president of the consolidated company and soon acquired control of the Peoples Gas Light and Coke Company and the underlying bonds of the Chicago Elevated Railways. "Competition fell before him as from the glance of destiny."

The bonds of the Insull companies were soon regarded by all the banks as good collateral. He soon controlled the com-

* It is proper to state that this article was written by Judge Dunne in 1930.—Publishers' Note.

panies selling light and power all over Northern Illinois and Indiana and in the Middle West, and in other sections of the United States.

All of these corporations had to have franchises from the cities and localities they served and these franchises could only be obtained from friendly public officials; and when granted were under the control of public commissions that could fix rates and control service and the issuance of stocks and bonds. Insull and his lawyers and field men became, therefore, much interested in political life and in elections in and around Chicago. They scouted, and sounded out the character, inclination, and characteristics of almost every man who sought office, if that office had anything to do with public utility franchises. It mattered not to what political party he belonged, democratic, republican, prohibitionist, or socialist. If he would accept a financial contribution to his campaign and had a remote chance of success he was accommodated, on the theory that politicians gratefully remember favors extended in hours of need.

Insull was particularly friendly with Roger Sullivan in his lifetime, and with George Brennan during Sullivan's lifetime and still more so, after Sullivan's death. He was reputed to be on equally friendly terms with Roy O. West, Senator Deneen's manager and bosom friend. He was on such friendly terms with Mayor Thompson that he succeeded in dissolving one of his firms of lawyers and placing the principal member of that firm, Samuel Ettelson, in the Mayor's cabinet. Nay more, when the Mayor was in ill-health, he, the mayor, made this former attorney of Samuel Insull his principal official spokesman and mouth-piece.

Insull himself, in the Frank Smith senatorial investigation, admitted having contributed \$150,000 to Frank L. Smith's campaign fund when he, Smith, was a candidate for U. S. Senator and that at the same time he had contributed generously to the campaign fund of George Brennan, who was running on the Democrat ticket as candidate for United States Senator against Smith.

Insull's office was for years the center of political intrigue and exerted at every election a tremendous influence on the re-

sults. His first duty and loyalty as a business man, as he conceived it, was to his corporations and his stockholders. If large contributions to the campaign funds of candidates, irrespective of their political professions, would make them grateful to him and his corporations and help his corporations to secure their friendly votes when in office, he had no hesitation in becoming a prince bountiful.

Let the dear public look after its own interests at elections. He, Insull, was a trustee not of public interests, but a trustee for his stockholders, and his stockholders never seemed to suffer as the result of heavy contributions to the campaign funds of gentlemen aspiring to public office.

He was and is the ablest public utility magnate in America but his extraordinary ability in my opinion has made him a most dangerous and destructive enemy of the public weal. By acquiring for his privately owned corporation the hydro-electric power which belonged to the people as a national heritage, and securing for his companies, from weak or corrupt and faithless public officials, practically perpetual and exclusive right to distribute that power over, under, and along the streets and public thoroughfares of cities, counties, and even perhaps whole States, he has been divesting the people of property of priceless value and placing them at the mercy of concentrated wealth in private hands.

Charles G. Dawes.

The ablest, most resourceful and at the same time the most unique Chicagoan and Illinoisan of my day was Charles G. Dawes. While not possessing the extraordinary linguistic attainments of "Admirable Crichton," the famous Scot, who is credited with the ability to debate in ten different languages, he, General Dawes, had as many if not more wonderful gifts of character than the wonderful Scot. Educated for and admitted to the bar, he commenced to practice that profession in Lincoln, Nebraska, at the same time that William J. Bryan started his career in the same city. He soon found, as did Bryan, that the legal profession and State of Nebraska were both too small and narrow for his mental activities. He thereupon transferred his

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person and his ambitions to Chicago, where there was a broader and more fruitful scope for his future. He soon appeared upon the commercial horizon of that great city as a successful banker and the manager and owner (with his brothers and relatives) of large and successful public utilities in Ohio, Missouri, Florida and other states. At the outbreak of the World war he volunteered and was appointed a colonel in France in charge of procuring and forwarding to the battle fronts the supplies needed by the American troops. His services in this position were invaluable and most efficient and Colonel Dawes was promoted to brigadier-general. When peace was declared he returned to his important business interests in Chicago and actively participated in all the commercial and political activities in Chicago.

In every movement for the advancement of the greatness of Chicago and Illinois he was in the forefront and his influence extended throughout the nation.

In 1924 without any apparent move on his part he was called to the vice presidency of the United States and in 1929 was appointed by President Hoover ambassador to the Court of St. James. In both exalted positions he has served with rare distinction and notable success.

In the midst of his arduous official duties as ambassador he found time to spread the grandeur and glory of Chicago to the people of the world. He fathered the holding of a centennial exposition to be held in Chicago in 1933. With dynamic energy he raised sufficient funds to finance the enterprise on a grand scale and made several trips from London to Chicago to insure its success. Chicago may well be proud of Charles G. Dawes who has been a success in so many different fields of effort. Success in war, success in peace, success in diplomacy, success in a blunt and forceful speaking of the truth, success in statesmanship, success in banking and other great business undertakings, success in earning and retaining the respect of his political friends and his political opponents, success in sustaining the dignity of an American ambassador without wearing a breeches cut according to customs of a foreign court or forgetting that he was an American citizen, and, stranger than all, success in

obtaining and holding the respect and admiration of the British as well as the American public.

He is the Admirable Crichton of the twentieth century. The Dawes talent, however, seems to be a family ailment. His brother, Rufus Dawes, has also been notably successful in banking and commercial circles and is the able, energetic president of Chicago's great World's Fair Corporation, which will commemorate a century of Chicago's progress in 1933. His cousin, William R. Dawes, also eminently successful as a banker and business man, was for some years president of the influential body known as the Chicago Association of Commerce.

Murray F. Tuley.

During the fifty-four years I have lived in and around Chicago no man had a higher reputation as a just and able interpreter of the law than Murray F. Tuley, who for decades was the chief justice of the circuit court and chief chancellor of that court. As a moulder of public thought and the architect of public laws, he was without a rival. He was one of the framers of the Constitution of 1870. He framed the city and village act which is the charter of the great cities of the state. He codified the city ordinances of Chicago when corporation counsel of that city. He helped to frame the amendment to the constitution in 1903. No important law affecting the City of Chicago during thirty-five years was ever formulated without Judge Tuley being called into conference.

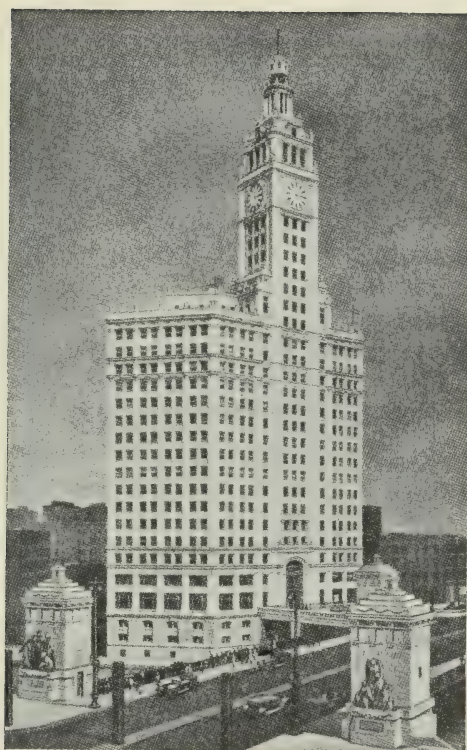
While on the bench he soon established the reputation of being among the four great judges who sat on the Chicago bench during the latter half of the nineteenth century. By almost universal acclaim at the bar and among the people these four great judges were William K. McAllister, Joseph E. Gary, Thomas A. Moran and Murray F. Tuley. During the early part of the twentieth century Tuley alone remained upon the bench. Moran had been enticed from the bench to lead a powerful and lucrative law firm. McAllister and Gary were called to their eternal reward, and Tuley alone remained on the bench until 1906, when he too died.

While a judge on the bench Judge Tuley never lost interest in great public questions as they arose, particularly those that would affect the lives and interests of the common people. While refusing to participate in ward politics he never hesitated to give his views on projects or movements which concerned the well being of the people. When he did speak on these occasions his words carried conviction to tens of thousands who respected his good judgment and disinterestedness. He was in his day one of the most, if not the most effective moulder of public opinion in Chicago.

When Charles T. Yerkes, the hardy exploiter of the peoples streets by flagrant wholesale debauchery of the city council and the State Legislature, attempted to put into legal effect the scandalous Humphrey and Allen laws; Judge Tuley was one of the leaders who by tongue and pen confounded his efforts and saved the streets of Chicago for a time from corporate exploitation. I have often wished in recent years that the unflinching integrity and courage of a Tuley, young and vigorous, were with us to repel the recent acquisition practically for all time of the streets by rapacious and gluttonous corporations.

Julius Rosenwald.

Perhaps the most esteemed and respected man of my day in Illinois was Julius Rosenwald because of his practical and munificent charities. Having acquired honorably in the mail order business an immense fortune, he soon found pleasure in discovering plans where the expenditure of a liberal part of that fortune would relieve poverty and distress. Noting that the black race in our midst was everywhere handicapped on education, in business, in home surroundings and even in the administration of the laws, Rosenwald gave freely of his means to uplift their condition. He was one of those practical and not theoretical philanthropists who wanted his money spent while he was living so that he could test his own experiments. The theoretical philanthropist often spends his time designing plans for a scientific distribution of his wealth after his decease, retaining possession, however, and enjoying its comforts while living. Not so with Julius Rosenwald. He was and still is a



WRIGLEY BUILDING, CHICAGO

real philanthropist of whom Chicago may well be proud. Occasionally he ventured into politics but only by way of helping finance a candidate worthy of popular support as against a candidate who he believed unworthy of popular confidence and unworthy to be entrusted with public office.

Anton J. Cermak.

Another man who has made a strong and favorable impression upon the people of Chicago is Anton J. Cermak, now holding the important official position of President of the Board of County Commissioners.

Born in Bohemia, he emigrated to Chicago, engaged successfully in business, resided in Braidwood, Illinois, and quickly acquired a knowledge of the English language, and by his native ability and force of character soon became a leader among the Bohemian Americans of Chicago and finally a forceful and aggressive leader in the Democratic party.

Long a believer in the right of the citizens to indulge temperately in the Pilsner of his native Bohemia, whenever an attempt was made to restrict that right in Chicago or in the state or nation, he placed himself at the head of an army of American citizens ready and eager to defeat these attempts to interfere with what he declared was the personal liberty of the citizen.

Both before and since the enactment of the 18th Amendment and the passage of the Volstead Act, he became the recognized leader of the "wets" in Chicago. His genial ways, his ready wit and readiness of speech made him very popular with the voters of Chicago, who in recent years have elected him to responsible public positions that he has filled with efficiency and integrity. He is immensely popular and his advice on public questions is followed by hosts of Chicagoans.

During my fifty-four years of residence in Chicago and its suburbs I met many other men not holding or seeking public office who have from time to time by voice and pen done much to mould and direct public sentiment in Chicago. Among them was S. S. Gregory, one of the leaders of the Chicago bar, a high minded honorable gentleman respected by all who knew him;

Dr. Emil G. Hirsch, for many years the ablest and the most eloquent of the Jewish clergy; Francis W. Walker, one of the most eloquent members of the Chicago bar; Milton G. Foreman, the soldier lawyer (personally friendly, but one of my most bitter political antagonists in the Common Council when I was struggling for municipal ownership of the street cars); Sidney Smith, the able judge who much against his will was nominated by the Republicans as candidate for mayor against Carter H. Harrison and defeated by him; Julius S. Grinnell, formerly able and efficient states attorney; Robert E. Burke, the younger Mayor Harrison's able campaign manager; Quin O'Brien, eloquent lawyer and lecturer of national repute, and Gen. Abel Davis. Since my retirement from public life, M. A. Traylor, the banker, an able man and forceful talker and thinker, and Silas H. Strawn, an attorney of national repute, have been very prominent and efficient in pulling the city, county and board of education out of the financial bog into which it was dragged by the board of assessors and board of review. Congressman A. J. Sabath has also exerted much influence in moulding public thought, particularly among the voters of Jewish and Bohemian blood. Charles J. Vopicka, formerly United States Minister to Bulgaria, Servia and Roumania during President Wilson's administration, has also been most influential among his fellow citizens in helping them to arrive at a decision of public questions. His splendid record as minister abroad, and his linguistic ability to talk in at least four different languages have helped him to attain wide popularity. Col. Isham Randolph has recently become the spokesman of a large number of very influential citizens. I have not the pleasure of his personal acquaintance (although I knew his engineer-father quite well). I have, however, read some of his public utterances and found them both courageous and intelligent. Among the Polish-American citizenry, in their life times, Peter Kiolbassa and John F. Smulski were the most influential and popular. Both were men of high character and integrity. Since the death of these two, Judge Edmund K. Jarecki, Julius Smietanka and Anthony Czarnecki have been and are the guides and leaders of these citizens. The last named of these gentlemen would

persuade them to become Republicans in American politics, but the two former seem to have better success in making them Democrats. Judge Jarecki has established a record of being one of the most upright and fearless on the bench and as a terror towards ballot-box-stuffers and election corruptionists.

The publishers and proprietors of the great daily papers exert a tremendous power in influencing the minds and votes of the people upon public questions. They reach millions with their papers and radios every day while the most popular speaker can only reach thousands. When the press is united on any public question it is almost a foregone conclusion that that question will be decided by the people as the papers advise. The editorial writers, however, are as a general rule, simply hired amanuenses that write what the proprietors dictate; and but too often the proprietors advocate policies that are dictated by their advertisers and powerful financial interests and which are in my opinion prejudicial to the public. If, however, the proprietors differ and both sides of a public question are fairly presented to the public, that public frequently decides the public question involved adversely to the heavier battery of editorials.

In the struggle of the people of Chicago to secure public ownership of the street cars and to prevent long term leases to private companies between 1900 and 1930, whenever the issue was presented to the people for popular vote, it was decided in favor of public ownership except in 1907 and 1930. The issue was voted upon many times. In 1907 the Hearst papers were the only papers favoring public ownership, and in 1930 no paper in the city advocated it and the struggle went by default so far as the newspapers were concerned. The *Tribune*, the *Chronicle*, the *Inter-Ocean*, the *Times Herald*, the *News* and *Post* were always antagonistic to public ownership.

The Hearst papers were always favorable until 1930. In that year the Hearst papers abandoned the fight probably not because they had lost faith in public ownership, as I believe, but because the tremendous growth of the city demanded a subway and modern rapid transportation immediately and no other speedy method of obtaining the subway and rapid transit could be secured except by surrender to the Insull demands.

CHAPTER LXXVI

CHICAGO—ITS GOOD AND ILL REPUTE

The City of Chicago is one of the best and, at the same time in these recent years, the worst advertised city in the world. On five different trips to Europe between 1871 and 1927, I never met a man or woman who did not know something about Chicago and seemed anxious to learn more about it. Four great events, three of them tragedies, made the young and lusty city well known throughout the whole world—the great Chicago fire of 1871, the Haymarket riot of 1886, and the resultant hanging of the anarchists, the World's Columbian Exposition of 1893 and the recent wholesale murders in Chicago in the bootlegging industry, created by the eighteenth amendment to the Federal Constitution and its off-shoot, the Volstead law.

The great fire of 1871 by reason of its magnitude and the enormous destruction of property attracted the attention and benevolence of the whole civilized world. The total destruction of the heart of the business and commercial area, in a city of over 300,000 souls, centered the attention of hundreds of millions throughout the world upon the stricken city by the inland sea. The Chicago fire of 1871, however, soon proved a blessing in disguise, in that it destroyed and made away with a huge amount of cheaply constructed buildings of pioneer architecture which sooner or later would necessarily have to be demolished to give way to modern and durable construction. The burned buildings were soon replaced by those of bigger, better and more lasting character.

The bursting of a bomb in the ranks of a platoon of police which was dispersing a crowd in the Haymarket Square, causing the death and wounding of several policemen, again attracted the attention of the world to Chicago, its sensational anarchist trial and the hanging of the anarchists.

The epochal trial of the anarchists forced the more careful consideration by employers, of the demands of labor for an improvement in the conditions of the laboring man and woman and paved the way for an eight-hour day and other legislation demanded by labor. By the year 1890 the acute memories of the great fire and the Haymarket riot had grown dim and Chicago leaders of industry, its leading architects, engineers and building contractors deemed the time ripe for Chicago to show the world that it had risen from its ashes of 1871 and its labor wars of 1886 and had become a city good to look upon. Inspired by love of their city and pride in its growth, these men secured an amendment to the State Constitution permitting the City of Chicago to bond itself for five million, raised twice that amount by private subscription, secured national approval and a liberal appropriation from Congress and offered to the world in 1893 the World's Columbian Exposition, a spectacle of architectural beauty and symmetry such as was never excelled in ancient or modern times. Foremost among these men who accomplished these wonderful things were H. H. Higginbotham, partner of Marshall Field, A. H. Revell, Thomas B. Bryan, Edward B. Butler, Arthur Dixon, Ferd W. Peck, Edwin Walker, Charles H. Schwab, Charles H. Wacker, C. T. Yerkes, Lyman J. Gage, Marshall Field and Franklin MacVeagh. All the great nations of the world made liberal appropriations for national displays and pilgrims by hundreds of thousands from all over the world visited Chicago and its Exposition. No city in the world was better or more artistically and efficiently advertised than was Chicago in 1893. Year by year the city continued to grow thereafter in beauty and grandeur.

The architects that designed and supervised most of the buildings in the great White City in Jackson Park were many of them citizens and lovers of Chicago. They were men of originality and daring. Daniel H. Burnham, of Burnham and Root, was their leader. With him were other architects of genius, W. L. B. Jenney, of Jenney and Mundie, and William Holabird, of Holabird and Roche. Jenney and Mundie designed and constructed for the first time in architectural history, a building partly of steel construction, the Home Insurance Build-

ing, and Holabird and Roche quickly followed with the Tacoma Building, completely constructed of steel. The Masonic Temple, twenty-one stories in height, of complete steel construction, soon followed under the designs and supervision of Holabird and Roche.

They had attracted to the gigantic work of the World's Fair the foremost sculptors of the western world,—Frederick MacMonnies, Daniel C. French, Augustus St. Gaudens, Lorado Taft and Paul Bartlett. When the great exposition closed its gates, Burnham insisted that their work was not finished. He and Holabird and Jenney and their partners and Lorado Taft were still residents and lovers of Chicago. They determined that Chicago must be made a city of grace and beauty as well as a great commercial mart. Burnham, with the soul of a great architect, saw what Chicago needed to make her truly worthy of world admiration. He saw it not only in his daylight visions but nightly dreams, and he placed these visions in black and white and in blueprints and placed them before the big men of Chicago who had been his helpers and co-workers in the Columbian Exposition.

These were the rough outlines or incipient plans for a "city beautiful." He sketched twenty-six miles of lake front, then occupied over half its length by railroad tracks which cut the people of Chicago off from the lake, and the remainder of which was disfigured by warehouses, breweries, fishing shacks and low lying sand beaches, as a continuous system of beautiful parks traversed by wide, winding tree-shaded boulevards from the northern to the southern limits of the city. He sketched among other things a straightened south branch of the Chicago River, the widening of Michigan Avenue into a boulevard 100 feet in width, the creation and boulevarding of Sheridan Road to the northern limits of the city, the widening and boulevarding of Western Avenue, Twelfth Street and Ogden Avenue from the southwest direct through to Lincoln Park and the destruction and reconstruction of the Union Station and the Twelfth Street Station.

He presented his pictures to the Merchants Club and the merchants seemed captivated and began to advocate "Chicago

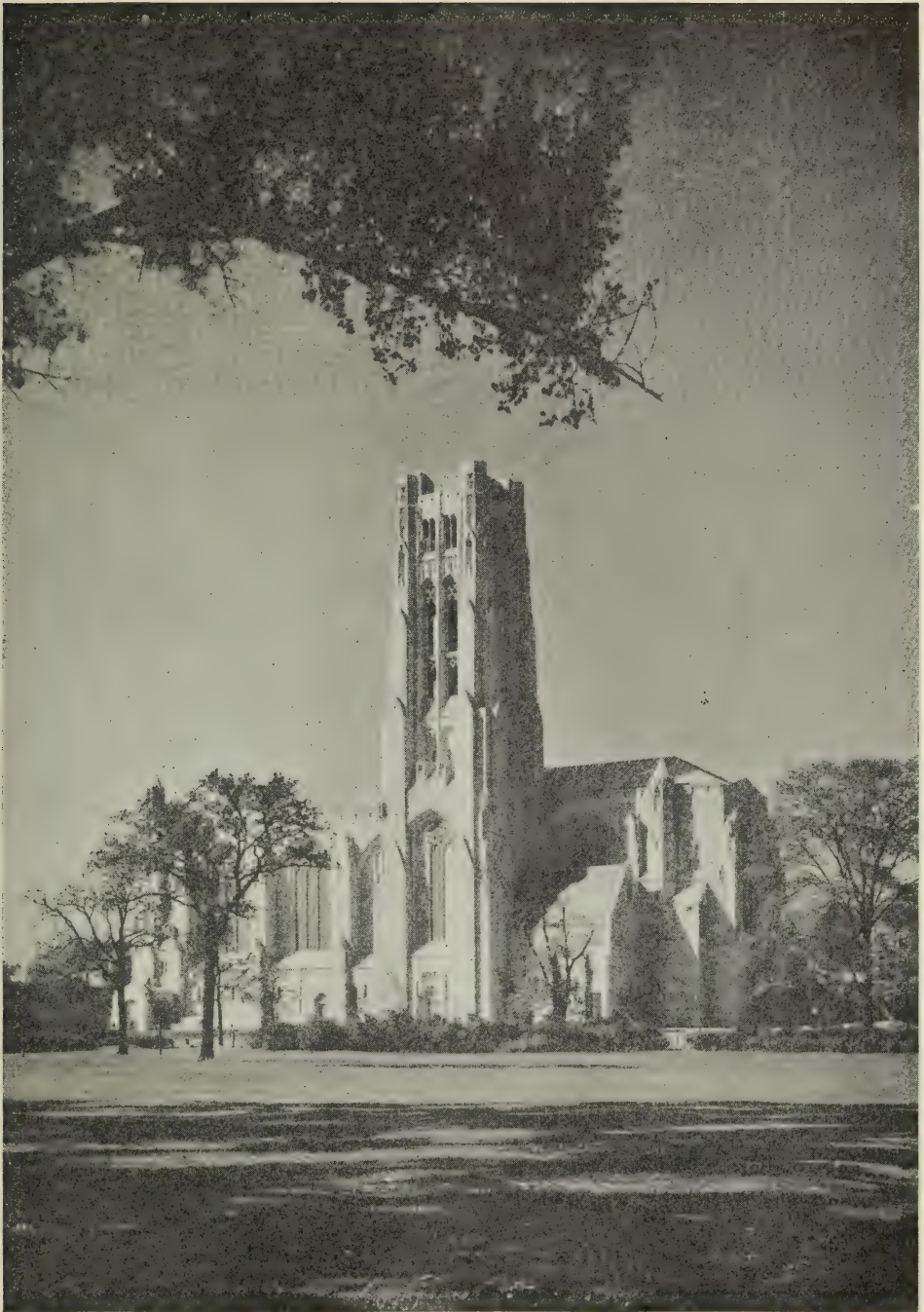
Beautiful." He then showed them to the Commercial Club, composed of many men of wealth and energy. There his plans also found admiration. Both of these organizations tendered their support and a rivalry threatened to develop in reference as to which of them would father and further the development of the "City Beautiful." This friendly rivalry, however, was averted by the consolidation of both clubs in 1907 under the name of the Commercial Club. Wealth, ardor and energy was now placed behind the Burnham vision of a city beautiful.

Those visions were recorded in a book filled with enticing pictures of Chicago as she was touched up and beautified in Burnham's architectural beauty shop.

The *Plan of Chicago* was now in book form ready for official and non-official inspection. One hundred members of the Commercial Club, while John V. Farwell, Jr., was its president, in 1908, subscribed \$85,000 to publish this book.

The Burnham plan was submitted to the mayor and City of Chicago in 1909 and received the official sanction of Mayor Busse and the council. The mayor appointed 353 prominent citizens as members of the Chicago Plan Commission and wisely placed at its head as chairman, Charles H. Wacker, a gentleman of means, leisure, suavity and energy, who had been vice chairman of the Commercial Club committee and whose whole heart was in the plan. No man ever worked more constantly and efficiently for any project than did Charles H. Wacker for this plan. In Walter D. Moody he found an able assistant.

They bombarded the newspapers, the lecture halls, and even the public schools, with their pictures of Chicago Beautiful and educated the public to favor the project. As a result over half of the visions of Burnham are now in Chicago actual realities. Chicago today has the most beautiful water front of any city in the world. From the southern limits of the city to the Chicago River that water front is lined with an almost continuous rosary of parks connected by a glorious system of winding boulevards, tree-lined and flower-decked. Magnificent homes, towering hotels and apartment buildings, and in the heart of the city colossal office buildings line these parks and boulevards immediately to the west, and from the towers porticos and win-



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views of these buildings can be seen and enjoyed, the sparkling waters of Lake Michigan and the pleasure and business craft which sail thereon. From Roosevelt Road north to Lincoln Park for three miles stretches in a straight line over the Chicago River a broad boulevard which in dignity and beauty is unsurpassed by any. From Roosevelt Road north to Randolph Street, one and one-quarter miles in the heart of Chicago there are no buildings, excepting the Art Institute, which obstruct the view of the lake, but on the west (or city) side this boulevard is lined continuously with the most colossal and artistic buildings of steel construction that have been built anywhere during the last ten years. From Randolph Street north to Chicago Avenue (three-quarters of a mile) both sides of this great boulevard are lined with steel constructed skyscrapers of the most modern artistic design. Four short blocks north of Chicago Avenue, Michigan Boulevard strikes the waters of Lake Michigan, and from that point for one-half mile north to Lincoln Park, right on the waters edge, lies what was the choicest urban residence street in the western world—Chicago's famous "Gold Coast," separated from Lake Michigan by only the width of Lake Shore Drive. From North Avenue along the lake front to Montrose stretches Lincoln Park for about five miles. It has a continuous lake front the whole distance, and to my mind it is the most popular and best patronized city park in America.

Inside of its corporate limits Chicago has a system of parks and boulevards that will favorably compare with those of any other great city in the world. On the North Side in Lincoln Park it has 881.55 acres of park on the lake front, as well kept and as beautiful as many a king's demesne, and there are approximately twenty miles of boulevards in it and connecting it with the other parks of the city. On the South Side of the city it has twenty-six parks, large and small, containing 2,967 acres of land, all in excellent condition, and thirty-six miles of magnificent boulevards. On the West Side it has twenty parks, large and small, comprising over 820 acres and thirty-two and a half miles of boulevards. All the parks in the city, north, west and south, are connected with each other by wide and well kept boulevards.

Well may a city be proud to boast, as can Chicago, that the playgrounds and gardens of its residents within the city limits comprise 4,669 acres and eighty-eight miles of boulevards.

Around the city and just outside of it, under the inspiration of the Chicago Plan Commission, the Board of Cook County Commissioners and its able and efficient president, Anton Cermak, have acquired for public use and placed at the disposal of the public, Forest Park Reservations such as few great cities have at their doors. The crooked, winding bends in the south branch of the Chicago River have been straightened, the great Union Depot has been advantageously located and constructed, miles upon miles of narrow streets have been widened, straightened and boulevarded, and although many of the great visioned men who designed and helped to carry out these great works, have passed away to their reward, the work still goes on and Chicago year by year is becoming a greater, a grander, and more beautiful city. Chicago men have transformed Chicago from a swamp in 1833 to a garden in 1930, from a trading post to a commercial and manufacturing center of the Mississippi Valley, from a village of a few huts built in the mud, to the second city of the western hemisphere in population, physical beauty, wealth, commercial standing and political importance.

It has not been done without strenuous effort and much mental and physical labor. The title to the lake front lands for twenty-six miles north and south had to be acquired from private ownership. Riparian rights had to be extinguished. Forest preserve lands had to be paid for at full value. Property owners along every street that was widened, straightened or boulevarded had to be settled with or litigated. It was costly and often imposed grievous taxation on the taxpayers, but on the whole the work was done with but little taint of graft until within recent years, when bad smells have been detected in the Sanitary District, in the tax assessor's offices and the Chicago Board of Local Improvements, and in other departments in the City Hall. Chicago in this year, 1930, may well be proud of its physical grandeur and beauty, and although the youngest great city in the world it may well challenge the other and older

great cities and compare its accomplishments within the last half century to their accomplishments of centuries.

Let us now turn our attention to the spiritual and moral history of Chicago as shown by the criminal statistics of the last decade, and particularly for the last two or three years. Chicago has been pictured by many writers in recent years as the most murderous, law-defying city on the face of the earth. Much of this evil characterization is dishonest and much of it is plain exaggeration. It has been truthfully asserted that in the neighborhood of 100 murders have been committed in Chicago within the last year and the perpetrators have neither been punished nor even apprehended. The city as shown by the last United States census has a population of approximately 3,375,000. This would make one murder to each 33,750 inhabitants. Now practically all of these 100 murders have arisen out of liquor traffic, which has been outlawed by the Eighteenth Constitutional Amendment and the Volstead act. The overwhelming majority of the residents of the City of Chicago during the fifty-four years that I have lived within the city have been accustomed to the consumption of beer, wine and other intoxicating beverages. For most of them it was a daily social habit. Ninety-nine of them with such habits drank in moderation to the one who drank to excess.

When during the World war the prohibition amendment and the Volstead act was passed, it made the social habits of many hundreds of thousands of Chicago's temperately drinking residents a crime. Among the great majority of Chicago inhabitants it was a most unpopular law. They still wanted the beverages they had been accustomed to for a lifetime. They could not procure them legally. They regarded the law as unjust and tyrannical and proceeded to violate it defiantly. The prohibition enactment shut the front door of the saloon but opened the back door of the bootlegger and the cellars of the private brewer and distiller. The old custom of the drinker was resumed and the traffic in intoxicating beverages went on, but outside of and in defiance of the law. The bootleggers were much in demand and became quite numerous in Chicago as in all the other great cities of America. These bootleggers while in a

most lucrative business were also in an illegal and dangerous business in which there were no rules or regulations which could be enforced in the courts. If they stole each others customers goods or money there was no legal redress. They could only retaliate in kind or punish each other outside of the courts. As their business was not only lucrative but highly competitive, quarrels arose between them. In Chicago as in other great American cities, to adjust their differences or punish their rivals they resorted to the methods of the Italian vendetta. All violations of their code were punished by death with the executioners sworn to secrecy. Hence the 100 murders without apprehension or punishment in Chicago during the last year. In the code of the bootlegger no member will implicate another, confess or assist in the discovery of or the punishment of a bootleg murder. Violation of this rule invites an early death.

Hence the difficulty the police encounter when they try to solve one of these murders. The general public is unsympathetic with the prohibition law, and the bootleggers themselves are as silent as clams. Outside of bootlegging murders Chicago is comparatively a clean orderly city. I have not been accosted by a street walker or robber in Chicago for over twenty years. Gambling may go on, but in remote holes and corners. Speak-easies are not more numerous per capita than in other American cities. Doctor Bundesen, coroner of Cook County, who has a reverence for statistics, recently took the trouble to look up the homicidal record of Chicago and other American cities, and reports the result as follows:

Chicago's homicide record is not the highest in the nation. In the number of murders per 100,000 population during 1929 Chicago stood last on a list of thirty-nine large American cities; and while Chicago's murder rate actually decreased 20 per cent last year (1929), the rates of 127 other American cities with a combined population of over 36,000,000 actually showed an increase in the murder rate.

To the prohibition and Volstead legislation can be charged the 100 unpunished murders referred to heretofore in this chapter.

It is true that within the last four years Chicago and Cook County have been disgraced and humiliated and to a certain degree despoiled and impoverished by some faithless officials in the Sanitary District, in the offices of the Board of Assessors and Board of Review and in the City Hall. Inequitable and discriminatory assessments of taxes have benefited the few, but thrown additional burdens on the many. In the Sanitary District and in the City Hall there has been a scandalous waste of public monies in the carrying out of public works. All of this has brought about excessive, discriminatory and burdensome taxation and a revolt of the tax payers.

A statistical report of the United States Department of Commerce recently published shows that the per capita net debt of Chicago's local governmental agencies increased from \$77.90 in 1927 to \$96.34 in 1928. In 1917 when I was governor of Illinois it was only \$28.30. The per capita tax levy for the city, county, schools, parks, forest preserves, sanitary district and state was \$65.30 in 1928 as compared with \$26.24 in 1917. In other words, during the last decade and mostly during the last three or four years the real estate tax burdens of the Chicagoan have nearly trebled; while sixteen billion dollars worth of personal property in the shape of stocks and bonds and mortgages have wholly escaped taxation.

Chicago in recent years has been sick politically. It has been suffering from a high fever resulting from corrupt and incompetent public officials, and from a disordered stomach resulting from its effort to digest the indigestible Volstead law, but it has a hardy, lusty constitution. It recovered from the most disastrous fire of modern times. It recovered from anarchical assaults, it has recovered from financial panics and inflation booms, and it will recover from official corruption, taxation, robbery and bootlegging vendettas. The ousting of faithless public officials will, I feel confident, be speedily accomplished.

Excessive taxation of real estate, gross waste of public monies by faithless officials and the widespread conviction that there is a secret alliance between some city, county and federal officials whose sworn duty it is to enforce the law, and criminals who receive protection from these officials, and the confident belief

that this secret alliance is enriching both the public officials and these criminals; has so inflamed the public that at the next elections all these public officials, will, it is to be hoped, be retired from public position and some of them placed in the penitentiary. The extinction of bootlegging and its attendant murders, however, will not be so easily accomplished under the present federal laws.

While the eighteenth amendment is sought to be enforced by the Volstead law and other legislation of like character, bootleg murders will cease only when the vendetta code of the bootleggers is altered, so as to permit their disputes to be settled among themselves by snow balls in winter and powder puffs during the rest of the year; or by a change in federal and state legislation concerning the sale and consumption of intoxicating beverages.

When American legislators show the same sagacity and good judgment shown by those in Canada, Finland and Sweden the saloon can be abolished for all time, drunkenness can be abated, and the millions of American citizens who have been accustomed to the temperate consumption of stimulants after the manner of the Founder of the Christian religion and His apostles, and all Christian nations for nearly 2,000 years, can resume these customs without violating the law of the land; and those who prefer cold water, cold tea, or Coca Cola, can still adhere to their customs and their preferred beverages.

CHAPTER LXXVII

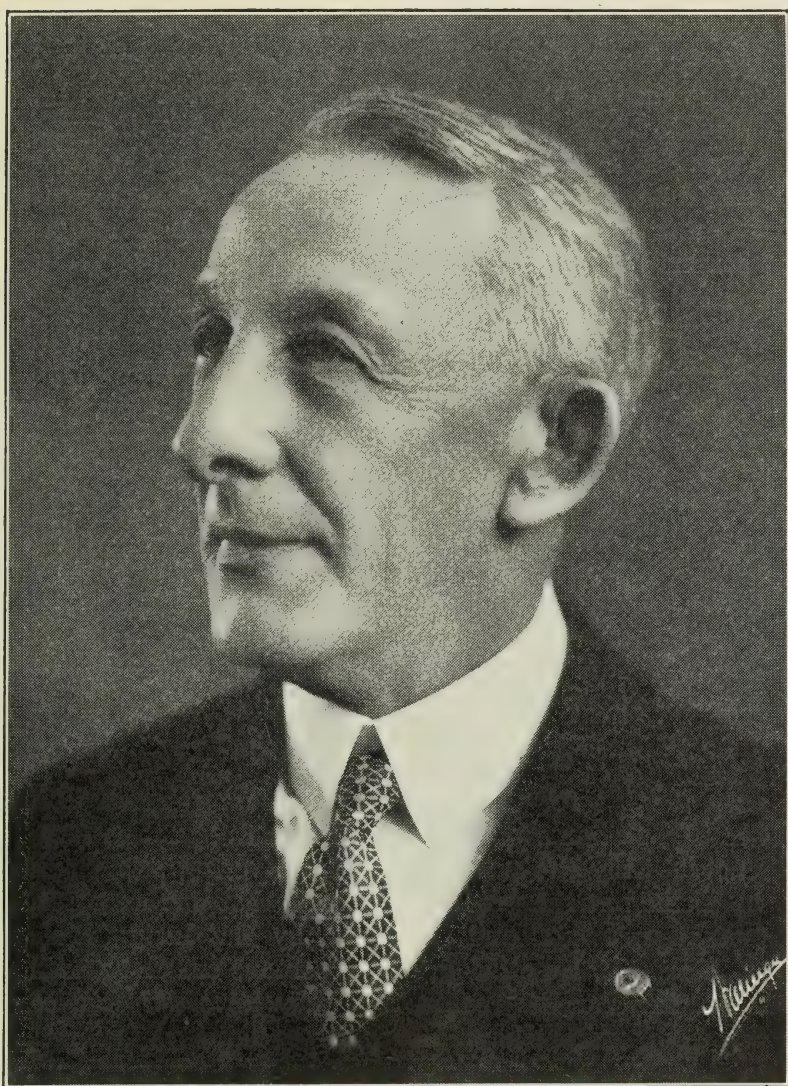
GOVERNOR EMMERSON'S ADMINISTRATION

In 1928 Louis L. Emmerson, a Republican, who had been for several years Secretary of State, was elected governor in a spirited contest over Floyd E. Thompson, a Democrat, who had resigned as justice of the Supreme Court to make the contest as the Democratic candidate. Emmerson's majority was 424,921.

Emmerson's long incumbency of the Secretaryship of State had enabled him to make a wide acquaintance with the voters and to do them many official favors. He was a great vote-getter and very popular.

The Republicans at the same election carried both houses of the Legislature by large majorities and the new governor had a Legislature in sympathy with his policies. The most important matters coming before the Legislature in the first sessions held under Governor Emmerson was the so-called "Chicago Transit Acts" relating to the future local transportation of that great city. These consisted of a battery of five bills plainly devised by the traction interests of Chicago and the lawyers of Samuel Insull. They were framed, in my opinion, with the express purpose of making it impossible for the City of Chicago in its future deals with transportation companies to do business with any persons or corporations excepting those then operating the surface and elevated roads in the City of Chicago.

Upon the convening of the Legislature under Emmerson in 1929, certain bills were introduced, the plain object of which was to authorize the city council of Chicago to grant a long term indeterminate franchise to the traction companies operating street cars in the streets of that city upon a consolidation of these lines with the elevated roads controlled and operated by Samuel Insull and his associates. The bills were so phrased



LOUIS L. EMMERSON, GOVERNOR, 1929-33

that these roads and no other roads, corporations or individuals could secure such a franchise.

I was invited by the Legislature to give my view on these bills and in April, 1929, I appeared before the committee of the Legislature having these bills under consideration and expressed my opinion upon the same in substance in the following language:

"At your invitation I come before you from the sick room. I regard an invitation from the Legislature of the sovereign state as a command."

"I have since receiving your invitation, carefully read over and analyzed bills pending before this legislative body, being House Bills No. 509, 510, 512, 513, 514 and 515.

"I am convinced that this battery of bills was drawn up and framed in the interest of the traction companies and not in the interest of the people of Chicago.

"A subway should be built, and the bill providing for the building of subways is not objectionable as a whole, but should be amended in certain particulars that I have pointed out. The other bills are designed for the express purpose of creating a monopoly in the City of Chicago and for the purpose of making that monopoly one owned by the owners of the present surface and elevated roads.

Must Purchase Elevated.

They provide for the creation of a comprehensive "unified local transportation system, comprising both street railways and railroads." Only one such corporation covering this description can be created at the present time, and that one corporation is a corporation owned and controlled by the Insull, Blair and Busby interests. No other group of persons could organize such a corporation, for the reason that they have not, and cannot, acquire a corporation having both street railways and railroads in the City of Chicago, unless they purchase the elevated roads and the surface system from the present owners.

"In other words, if these bills be passed, the present elevated road owners and the present owners of the surface system are the only ones that could organize *such a company*, and the City

of Chicago, if these bills be passed, would be compelled to deal with the owners of the present elevated roads and the surface system *and with no one else*.

"If a person is limited in contracting to one individual or one corporation, he must do business upon that corporation's terms, and if these bills be passed, the City of Chicago will be at the mercy of the present companies and must consent to any demands that they may make.

Need No Legislation.

"At the present time, there is no need for the passage of any such laws, nor is there any need for the passage of any legislation in reference to transportation in the City of Chicago. The time for consolidation of the elevated roads and the surface lines has not yet arrived. It is advisable to consolidate them, but they can be best consolidated when the franchises of the elevated roads have expired.

"Then the city will be in a much better position to acquire and consolidate all these properties. Today, however, the city is in the best position that it ever was in relation to the acquisition of the surface lines. Their franchises have all expired. They are running upon month-to-month permits. They have no permanent rights in the streets, and the city has plenty of cash on hand with which to purchase.

"If the owners of these lines would consider the purchase of their property at reasonable figures, they could be paid in full, and the city would own and acquire these lines free and clear from all indebtedness inside of twenty years.

Buffaloed Aldermen.

"For over half a century, transportation has been carried on in this city under 20-year franchises. The aldermen of this city have simply been buffaloed by the traction interests and their capitalistic bankers. These owners and bankers have tried to persuade, and, maybe, have succeeded in convincing the aldermen that money for financial betterments could not be obtained unless upon an indeterminate franchise. These men have been borrow-

ing money for transportation purposes on 20-year franchises for over half a century.

"A so-called Citizens' association has gone on record as recommending the passage of these bills. Who created the so-called Citizens' committee? Such committees are usually appointed at mass meetings. I never heard of one.

"They were appointed, we are informed, by Judge Wilkerson. What citizens gave him authority to appoint such a committee? The members of the so-called committee are personally estimable gentlemen, but there is not a man on the Citizens' committee that is a strap-hanger or in any way familiar with the inside of a street car. They are bankers, financiers and automobile riders, who have no special knowledge in reference to the wants and necessities of the street car riding public of the City of Chicago.

Will Balk City.

"If these bills be passed, the City of Chicago will be prevented from acquiring the Surface Lines in any possible way. The capital account of the present companies is at the present time \$164,000,000. In other words, if they were paid \$164,000,000 it is all they would have the right to demand. Probably \$40,000,000 of this \$164,000,000 is pure wind and water, covering destroyed and obsolescent property, not now in existence, but it would be much better for the citizens of Chicago to pay these companies their whole demand of \$164,000,000 and take over these properties, than to have these bills passed and be placed in a position where the city could not contract with any one but the Insull, Blair and Busby interests.

"Even if the city were to pay every demand of the surface system, to wit: \$164,000,000, it could easily do so, if the companies would accept 25 per cent of said amount, or \$41,000,000 in cash and accept \$4,000,000 each year principal out of car earnings for 15 years, and 5 percent interest on the deferred payments, and \$6,000,000 out of car earnings the last five years of a twenty year period. The city would thus be able, even at an excessive valuation, to acquire these lines, and all the lines substantially

free from encumbrance or liens of any kind inside of twenty years.

"The subjoined statement is based upon a statement of the traction financial condition of the City of Chicago at the present time, as disclosed in statements made to me by the chief clerk of the city comptroller's office within the last few days:

Financial advantages if city were to take over the Chicago Surface Lines as a municipal undertaking, even if forced to pay the \$164,000,000 claimed to be due on the capital account.

City's share of net earnings in 1928, 55 per cent—\$ 2,496,769

Whole net profits (100 per cent) ----- 4,539,580

Interest accrued on traction fund in 1928, 3 per
cent ----- 1,424,684

Total Net Income from net earnings and interest
in 1928, which would be larger each year with
the growth of the city ----- 5,964,264

Cash on hand in City Traction Fund ----- 54,503,255

Cash on hand in Renewal and Depreciation Fund 17,919,364

Total cash if City took over in 1929 ----- 74,422,619

If City pays Companies \$41,000,000 cash and takes over properties paying \$4,000,000 principal each year and 5 per cent interest on \$123,000,000, deferred payments on the \$164,000,000 purchase price, the result would be as follows:

City's net income from operation ----- \$ 4,539,580

City's interest income on remaining cash \$31,-
556,000 at 4 per cent (cash on hand) ----- 1,262,240

5,801,820

Amount saved by city in being relieved from pay-
ing as part of cost of operation 5 per cent
interest on capital account of \$164,000,000 --- 8,200,000

Total ----- 14,001,820

Less yearly interest at 5 per cent on \$123,000,000
deferred payments first year ----- 6,150,000

7,851,820

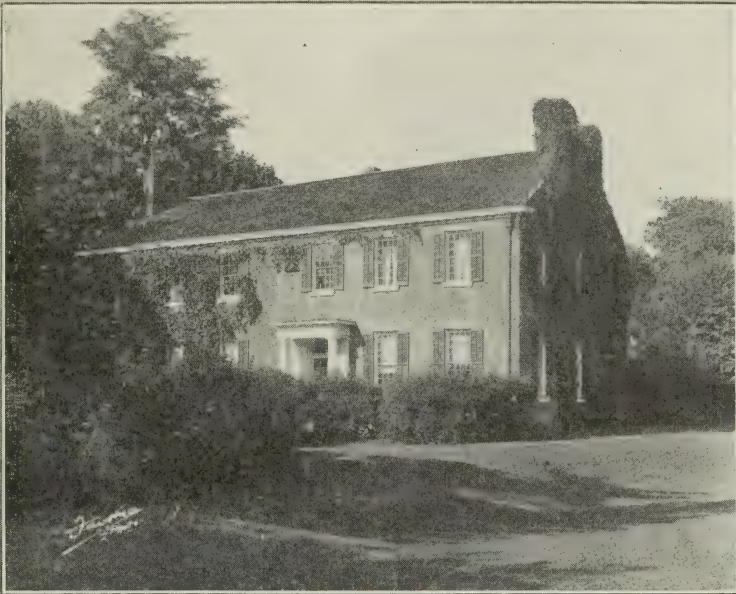
| | |
|--|-----------|
| Less annual sinking fund or liquidation payment of \$4,000,000 yearly on purchase price----- | 4,000,000 |
| Net balance from earnings first year----- | 3,851,820 |
| Taxes now paid by Surface Roads but available for improvements as the city would be exempt from the payment of taxes on municipally owned property----- | 3,200,000 |
| Total surplus for expansion first year (which would constantly increase as the principal in- debtedness of \$123,000,000 would be reduced by the payment of \$4,000,000 each year for 15 years and \$6,000,000 for last 5 years and the income would be constantly increased year by year with the growth of the city) ----- | 7,051,820 |

"Don't Pass Them."

"My recommendation to you is not to pass these bills, but to permit the City of Chicago to negotiate with the Surface Lines for the acquisition of this property at once. If the Surface Lines refuse to sell at a figure of \$164,000,000, 25 per cent or even 30 per cent of which would be paid in cash, and \$4,000,000 each year for 15 years, and \$6,000,000 each year for the remaining five years, then and in that case, if I were mayor of the City of Chicago, I would announce to the companies and the present Surface Lines management that all dealings were off, that no franchises would be given to them under my administration, and that I would run for reelection upon that platform.

"Let me remind you, gentlemen of the Legislature, that the companies were before the Legislature in 1917, 1918 and 1925, asking privileges for consolidation and for extension of franchises, and that former Legislatures have refused to pass such laws during the last twenty-five years.

"The bills pending, in my judgment, if passed would be a serious injury to the citizens of Chicago, would debar the city from public ownership, and would debar them from considering other propositions such as that contained in the Lisman plan, which provides for city ownership and amortization of all debts inside of twenty years."



A CENTURY OF ILLINOIS COLLEGE
"OLD BEECHER," BUILT IN 1829. TANNER LIBRARY, BUILT IN 1929

The traction interests, however, as usual seemed to have had the legislative machinery at Springfield well oiled and in good working condition. The bills they introduced and which were approved of by their attorneys, went through the Legislature and became laws.

They were thoroughly satisfied, that with these laws in force, the City of Chicago must deal with them and would be powerless to take over the properties, or deal with any other traction interests. That was my opinion in 1929 when I addressed the Legislature.

As I then foresaw and pointed out to the Legislature, the City of Chicago found itself in this predicament in 1930, when the City Council with the consent of Mayor Thompson and the legal imprimatur of Sam Ettleson (formerly Insull's political attorney, and then Mayor Thompson's corporation counsel) rushed through an ordinance in which, in my opinion, there was an almost total disregard of the city's interests and the interests of its car riders.

The ordinance was passed on or about June 1, 1930, was promptly signed by Mayor Thompson upon the advice and under the guidance of Sam Ettleson. It fixed July 1, 1930, as the day for a referendum vote, thus giving the voters of Chicago only one month to examine an instrument covering, with the seventy-eight pages of exhibits made part thereof, 136 pages of closely printed matter. It had taken the traction attorneys and Sam Ettleson's staff representing the mayor and the council about a year after the adjournment of the Legislature to draft this ordinance so that it would be approved by Insull, Busby and Blair and their attorneys; but the ordinary voter was given only thirty days to digest it and understand it.

The mayor and all but three of the aldermen were for the ordinance, both political machines, Democratic and Republican, were committed to it. Every newspaper in the city excepting the Hearst papers (morning and evening) advocated its passage. These last two papers were noncommittal. There was much unemployment in the city and the advocates of the ordinance assured the workingmen that if the ordinance were passed the unemployed would be promptly put to work, and many of them

believed that assurance. All the banking and financial interests of the City of Chicago were solidly behind the ordinance.

The city, as the 1930 census proved, was growing rapidly. The surface lines had for years defaulted on their promises to build extensions of their lines contained in the 1907 ordinance, and there was sore need for these extensions. The centenary World's Fair projected by Chicago's aggressive citizens for 1933 was approaching and there was real need for the building of a subway to relieve the congestion in the heart of the city and give rapid transit to the people on the outskirts. To oppose the ratification of the ordinance at the polls under this set of circumstances seemed evidence of audacity and folly.

Yet upon reading and analyzing this ordinance many citizens and myself reached the conclusion that it, the ordinance, was outrageously unconscionable and unjust to the City of Chicago and its citizens. I read that ordinance carefully and when many of my fellow citizens asked me to express my views in relation thereto, I gave a public statement to the newspapers which was true then and is still true. It was as follows:

I have been requested by several of my fellow citizens of Chicago to express my views on the traction ordinance recently passed by the City Council and submitted to the people on referendum vote to be taken July 1 next. Having read the ordinance carefully, I am going to vote against it and advise all citizens of Chicago who have its well-being at heart to do the same for the following reasons:

First: It grants in effect a perpetual franchise of enormous financial value to grantee.

Second: The city receives in fact no financial consideration therefor.

Third: Instead of receiving compensation the city accompanies its grant, which is in effect a perpetual franchise, with a gift to the grantee of \$61,250,620 cash and a yearly donation thereafter during the existence of the franchise of \$2,689,984. If these figures are true it is a shocking exhibition of benevolence on the part of a city which is now bankrupt and appealing to the Legislature for leave to issue without referendum bonds to the amount of \$74,000,000, so as to enable it to emerge from the bankrupt bog in which it is now wallowing. The taxpayers of

the city should hesitate on July 1 about placing their approval upon such consummate municipal insanity. Let us examine the ordinance and see if I have overstated the facts or figures.

A Perpetual Grant?

First, is the ordinance in effect a perpetual grant?

I can find no forfeiture clause in it for nonuser, misuser or maluser.

It can only be terminated by the city or its licensee purchasing the property. The city can purchase only by paying \$260,442,063 or much more in cash. With the city now at the limit of its bonding power and seeking legislation to enable it to pay \$74,000,000 of the debts, does any sane person believe that the city will ever be able to raise that amount. Within the next ten years no licensee can buy without paying 110 per cent of the present capitalization of \$260,442,063 now and yearly accretions of many more millions as the years roll by. In other words, a licensee would have to pay at least \$26,000,000 cash for the right to buy the system for cash at the present inflated capitalization, one-fifth of which at least is mere wind and water. Does any sane person believe that either the City of Chicago or any licensee or permittee would or could buy on these conditions? During the first ten years of the grant the capitalization of the company would be so increased that it would make it still more impossible for the city or any permittee to buy thereafter. In effect, the ordinance is as perpetual a grant as if it were so expressly stated in the ordinance.

As to Compensation.

Let me now show that the city in fact receives no consideration. The compensation to the city clause of the ordinance provides that the company shall pay to the city as sole financial consideration for the grant and the use of the city-built and owned subway 3 per cent of the gross receipts of the company, less car licenses heretofore paid by companies and other deductions that I will not count.

| | |
|--|--------------------|
| Gross receipts of the surface lines for 1929..... | \$62,717,867 |
| Gross receipts of the rapid transit lines for 1929 | 21,106,490 |
| Total gross receipts for 1929..... | <hr/> \$83,824,357 |

| | |
|--|--------------------|
| Three per cent of which is----- | 2,514,720 |
| Deduct license fees paid by rapid transit lines in 1929 ----- | 101,700 |
| | <hr/> \$ 2,413,020 |

Let us now ascertain what income the city now derives from the surface and elevated lines under the old ordinance still in existence.

| | |
|---|-------------|
| On inquiry at the city comptroller's office I learn that in 1929 the city's income from these companies was as follows: | |
| From the surface lines (55 per cent of net income) ----- | \$2,621,509 |
| From the surface lines interest at 3 per cent on traction fund ----- | 1,760,182 |
| From the surface lines cash for snow cleaning-- | 354,782 |
| From elevated lines from union loop----- | 192,295 |
| From elevated lines license fee----- | 101,700 |
| Income which will be collected from elevated in 1930 by terms of ordinance 3 per cent estimated ----- | 72,546 |
| | <hr/> |
| Total income under old ordinance----- | \$5,103,014 |
| Deduct proposed income under new ordinance-- | 2,413,020 |
| | <hr/> |
| Loss to city yearly in cash if proposed ordinance is adopted ----- | \$2,689,994 |

Change in Traction Fund.

But under the proposed ordinance the city's loss does not stop here. The city now has in its "traction fund" \$61,250,620.

The proposed ordinance takes this princely sum out of that fund, where it could be used today to purchase one or more of the surface lines or motor busses and puts it in the "transit fund," where it can be only used for one purpose—the building of a subway, which is to be turned over, rent free, to the Insull-Busby-Blair corporation during the full term of the grant, which in effect is for all time.

The 3 per cent of the gross receipts of the proposed new company are also placed in the same bottomless pit.

The proponents of this extraordinary ordinance have been holding out to the unemployed in the building line, and to people living in the outlying districts very seductive pictures as to the immense building to result from the passage of the ordinance.

Quotes from Ordinance.

The only money that the proposed new company pledged itself to put into construction is that mentioned in section 19, page 39, of the ordinance, as follows:

"It is expressly agreed that during the three years next succeeding the effective date of the ordinance the company shall, subject to the provisions of the ordinance, provide funds for additions, equipment and improvements mentioned in Exhibit B hereto, a total amount of not less than \$65,000,000."

They are expressly authorized in the ordinance to issue stocks or bonds to the full agreed capitalization of \$260,442,063, which with the perpetual grant behind them will soon be highly rated on the financial market, but the company does not obligate itself to contribute more than \$65,000,000 to the construction fund. The rest of the money, it avers in the ordinance, it will try and raise from the banks and money loaners.

It may and it may not be successful in so doing. Quickly upon the passage of the ordinance the company will have the \$61,250,620 transferred from the traction fund where it could be used for purchasing traction property or busses into the transit fund where it can never be used for any purpose except to build a subway which will be used rent free by the company until our grandchildren are all in their graves.

No Permanent Rate.

There is no provision in this proposed ordinance for a permanent rate of fare. At the inception of their operation the company is required to file with the transit commission, to be appointed by Mayor Thompson, a schedule of its rates of fare which is substantially the same as the present rates of 7 cents on the surface lines and 10 cents on the elevated lines. But this schedule can be changed next day or at any time thereafter by the transit commission, and the commissioners are appointed for four years each, and cannot be removed except upon trial and a vote of two-thirds of the City Council as I remember the terms of the scandalous law passed in the Legislature in 1929.

Because of the unconscionable way in which the city is sought to be overreached and despoiled in this ordinance, I must vote against this ordinance and advise all friends of the City of Chicago to do likewise.

Even if the rapid growth of the city and the need of car extensions and a subway created an emergency demanding prompt action, that is no excuse for the official city authorities allowing so gross an injustice and want of fair consideration to the city to be put over in such an emergency.

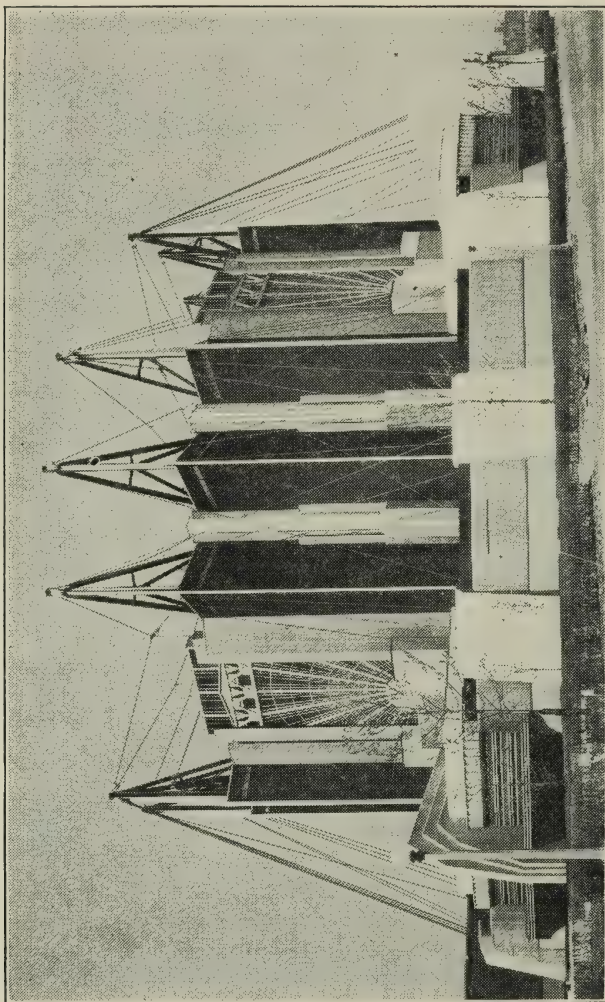
Ex-Mayor Carter H. Harrison reached the same conclusion as I did about this ordinance and publicly denounced it in the newspapers in more emphatic language than I used. So did Prof. Charles E. Merriam.

Many public spirited men in Chicago who examined the ordinance found the same objections and other objections, and although without organizations or money behind them, attacked and exposed the injustice of the ordinance by tongue and pen. Prominent among them were Harold L. Ickes, Donald Richberg, David Rosenheim, Carl Thompson, Wiley W. Mills, Peter Foote and others.

That the ordinance would be approved at the polls was a foregone conclusion from the start.

When all the banks, financiers, political machines and newspapers are arrayed on one side, and a tired, unorganized mob without money or newspapers is on the other, the former always wins. It was so on this occasion. Only one-third of the voters had interest enough in the question to go to the polls. Of those that did go to the polls the political machines herded most of them into voting for the ordinance five and one-half to one.

Thus ended on July 1, 1930, the struggle of the people of Chicago to retain some sort of control of its streets as against the demand for ninety-nine year or perpetual franchises commenced in 1856, when it gave a franchise to a company "for a period of twenty-five years and *until the city should elect to purchase*" and continued down to the day in 1930 when William H. Thompson weakly abandoned the fight by signing an ordinance which in effect is a perpetual franchise and which handed over to the corporate grantee \$61,250,620, placed in the city's traction fund to purchase the surface roads, and which reduces the present yearly income of the city almost \$2,700,000 every year hereafter.



TRAVEL AND TRANSPORT BUILDING, CHICAGO, 1933,
CENTURY OF PROGRESS EXPOSITION
(Courtesy *A Century of Progress.*)

The fight of the city to retain control of the streets was successful until 1907 notwithstanding the alleged ninety-nine year act secured from the Legislature in 1865 and vetoed by that honest, vigorous man in the governor's chair, Governor Oglesby, but passed over his veto by a corrupt Legislature on the following day.

When I was mayor in 1906 we succeeded in getting the Supreme Court of the United States to declare that ninety-nine year law unconstitutional and void.

The fight of the city for its streets was successful when the new constitution of 1870 was adopted and when the City of Chicago in 1875 obtained a new charter under the City and Village Act of 1872, which gave the city the right to license street cars to move upon the streets "not longer than twenty years."

The fight was successful when in 1883 when Carter H. Harrison the elder was mayor of Chicago and succeeded notwithstanding the claim of the car companies that they then had a ninety-nine year franchise in getting through the Council a twenty year franchise which would expire in 1903.

It was successful during the five terms of his son, Carter H. Harrison. It was successful during the first two terms of William H. Thompson and William E. Dever. During all these years from 1856, although the traction companies from time to time attempted to secure indeterminate perpetual or ninety-nine year rights on the streets, they never succeeded until Samuel Insull in 1929 appeared in the fight for long-time or perpetual rights on the streets and Sam Ettleson transferred his legal advice from Samuel Insull to the present mayor of Chicago and advised him to sign the ordinance of July 1, 1930.

The maladministration of public officials in the City Hall, in the sanitary district and in the board of assessors and board of review which was publicly exposed in the newspapers between 1925 and 1930, had much to do with chilling the ardor of the people for municipal ownership and operation of the street car system which was so forcibly and frequently expressed at the polls between 1900 and 1925.

The wanton waste of the public monies by public officials and the unfair discrimination in assessing property for taxation

exposed by the press between 1925 and 1930 had the effect of weakening to a great degree the confidence of the people in the honesty and efficiency of public officials and public management.

The Demand for the Senatorial and Congressional Reapportionment of the State in Accordance with the State Constitution.

Early in my administration as governor my attention was called to the fact that there had been no reapportionment of the state into senatorial and congressional districts since 1901. The Constitution of the State, Art. IV, Sec. 6, provides "that the General Assembly shall apportion the state every ten years beginning with the year 1871 by dividing the population of the state as ascertained by the Federal census by the number 51 and the quotient shall be the representative in the Senate." Art. IV, Secs. 7 and 8 provide that each senatorial district shall be entitled to one senator and three representatives in the lower house.

In the session of 1915, in my gubernatorial message to the Legislature, I called their attention to the fact that no reapportionment had been made since the year 1901 and recommended that it, the Legislature, should pass a reapportionment law. The Legislature failed to comply with my recommendation and no reapportionment law has been passed since that time. In none of Governor Lowden's messages to the Legislature do I find any reference to the subject. Whether Governor Small took any action on the matter I do not recall. The Legislature, however, when the subject came before it emphatically and definitely refused to reapportion the state, although each and all of the members had taken oaths to support the Constitution of the state.

Because of the refusal of the Legislature to comply with this plain provision of the Constitution, the County of Cook and some others of the rapidly growing counties of the state have been partially disfranchised in the Legislature. In Cook County loud volumes of protest have been heard for over fifteen years, and in the last five years this outcry has become a tempestuous roar. A public spirited private citizen of Chicago, John B. Fergus, appealed to the courts for writs of mandamus and quo war-

ranto in an effort to compel the members of the Legislature to obey the Constitution, but without avail, the courts holding that the judiciary have no right to interfere with the coordinate branch of the government, the Legislature.

The United States Census of 1930, however, has demonstrated that Cook County alone has 388,138 more inhabitants than all the rest of the state. The figures are as follows:

| | |
|---------------------------------------|-----------|
| Population of whole state of Illinois | 7,640,000 |
| Population of Cook County | 3,989,069 |
| Population outside of Cook County | 3,650,931 |

This new enumeration of the population of the state, if the constitution is complied with, will entitle Cook County to be represented in the Legislature by twenty-seven senators and eighty-one members of the House of Representatives. At the present time, owing to the obduracy of the Legislature and its contempt and defiance of the fundamental law of the state, it is represented by only nineteen senators and fifty-seven members of the lower house.

For nineteen years Cook County has been denied by the Legislature fair and proportionate representation in the Legislature, its disfranchisement increasing year by year as its population increased. For some time before 1930 it was known and confidently predicted that the 1930 United States census would show a greater population than all the rest of the state.

In view of this well known state of facts Governor Emmerson was confronted in 1930 with the necessity of calling a special session of the Legislature to relieve Chicago from the financial morass into which it had been forced by inequitable and discriminatory assessments made by the assessing and reviewing boards and the reckless extravagance of other public officials. Instead of including in his call for the special session a demand for the reapportionment of the state, refused for nineteen years, Governor Emmerson included in his call the consideration of only the bills designed to enable Chicago to relieve its immediate financial distress and an amendment to the Revenue Article of the State Constitution. This proposed amendment is badly needed. The Revenue Article of the present Constitution has

been found after sixty years' experience to be wholly deficient in securing any pretense of revenue from personal property in the form of notes, bonds and other paper evidence of indebtedness. Billions of this kind of property have been escaping taxation, throwing most of the burdens of taxation upon the unfortunate owner of real estate. To remedy this intolerable condition the revenue article of the Constitution should and must be amended so as to make the wealthy owners of stocks and bonds bear their just proportion of taxation. If so happens, however, that most of this class of intangible property is held in Cook County and that Cook County should have fair representation in the Legislature when any law relating to taxation should be presented to the Legislature. An equitably framed and executed income tax would probably be the fairest solution of the problem. Any change in taxation methods at the present time, however, it is known would throw additional burdens of taxation on Cook County, and Cook County should be fairly represented in the Legislature as provided in the Constitution when new revenue laws are enacted.

Unless a reapportionment of the Legislature is made before new and different laws for revenue are considered it will be a difficult matter to secure popular approval of any amendment to the article of the Constitution relating to the revenue.

Governor Emmerson should have included in his call for a special session of the Legislature a provision for a reapportionment as well as a provision for the amendment of the Constitution relating to revenue. Taxation without representation caused the American Revolution and taxation of Cook County without just representation will cause a revolt in the political party that attempts it in Illinois. The proposal of Governor Emmerson to amend the revenue provisions in the Constitution before a reapportionment of the Legislature was made as required by the Constitution, was overwhelmingly beaten by popular vote at the election held on November 4, 1930.

CHAPTER LXXVIII

ILLINOIS' RAPID PROGRESS AND FUTURE PROSPECTS

No state in the Union has made such rapid advance in growth, wealth, prosperity and population between 1820, two years after she was admitted to the American Commonwealth, and 1930, as has the State of Illinois. Those who like myself have lived constantly in Illinois for over seventy years cannot realize the rapidity of that growth as well as one coming into the state at intervals say of ten years. Watch your growing son day by day and you fail to notice the rapidity of his growth; but send him away to college or the university and when he comes home for vacation you can note the change instantly.

The growth of Illinois both from a positive standpoint and a comparative standpoint with other states of the Union has been marvelous.

| | |
|---|------------|
| In 1830 she was 20th state with a population of | 157,445. |
| In 1840 she was 14th state with a population of | 476,183. |
| In 1850 she was 11th state with a population of | 851,470. |
| In 1860 she was 4th state with a population of | 1,711,951. |
| In 1870 she was 4th state with a population of | 2,539,891. |
| In 1880 she was 4th state with a population of | 3,077,871. |
| In 1890 she was 3rd state with a population of | 3,826,351. |

Her rapid growth is due to several causes. First—Originally her accessibility by navigable waterways from North, East, South and West. Second—Fertility of her soil and its easy adaptability to agriculture. Third—Her rich coal and mineral deposits. Two-thirds of her soil is underlaid with coal. Fourth—Her location in the heart of the Mississippi Valley, the richest valley in the world. Fifth—The energy and confidence in her future shown by her able and enterprising business men—her McCormicks, Armours, Fields, Cudahys, Swifts, Mandels,

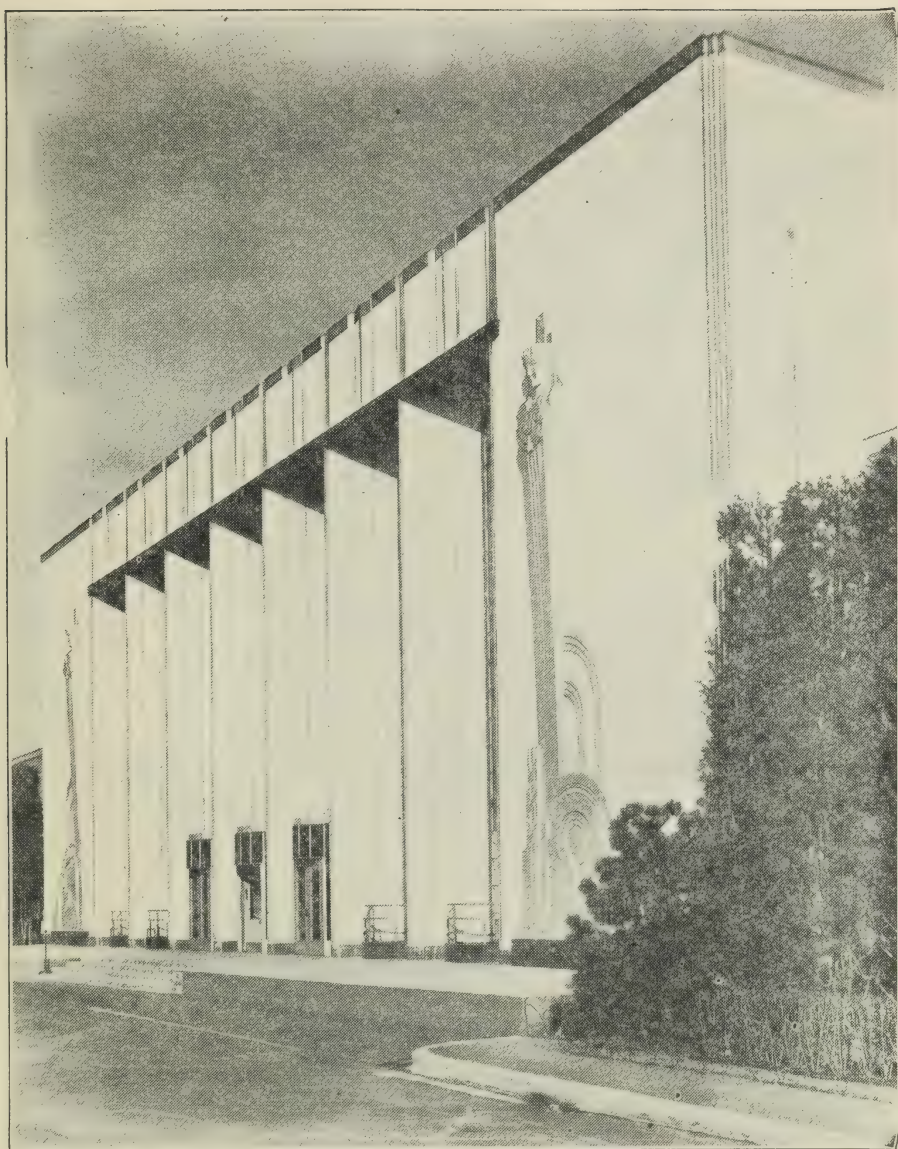
Palmers, Peabodys, Farwells and men of that character who were leaders in the commercial and manufacturing industries between 1840 and 1900. These men turned all their profits back into development of their industries and made them gigantic, and thus made the state powerful in the commercial world.

All these five causes contributed to make the state what she is today, the third state in the United States in population, wealth, manufacturing and political power. Her wealth exceeds \$22,000,000,000, being considerably larger than that of the whole Dominion of Canada. Notwithstanding the engrossment of most of her citizens in manufacturing and commerce, she still remains a great agricultural state, being the fourth state in the Union in the value of her agricultural products, and third among them in the production of bituminous coal.

That her citizens freely indulge in most of the luxuries of modern life is evidenced by the fact that while her population is less than six per cent of the total population of the United States, her citizens use more than eight per cent of the electricity the nation produces, more than ten per cent of manufactured gas, use nine per cent of its telephones and hold nine per cent of the total investment in electric railways.

It manufactures, sells and distributes more agricultural machinery than any other state in the Union and more than any other country. About two-thirds of all the pianos manufactured in the United States are made in the State of Illinois. Her bracing, vigorous climate keeps her sons and daughters constantly on the go until they are ready to drop in their tracks from old age. Then they make haste in winter and early spring to fly to Florida or California, only to return to Illinois by May Day.

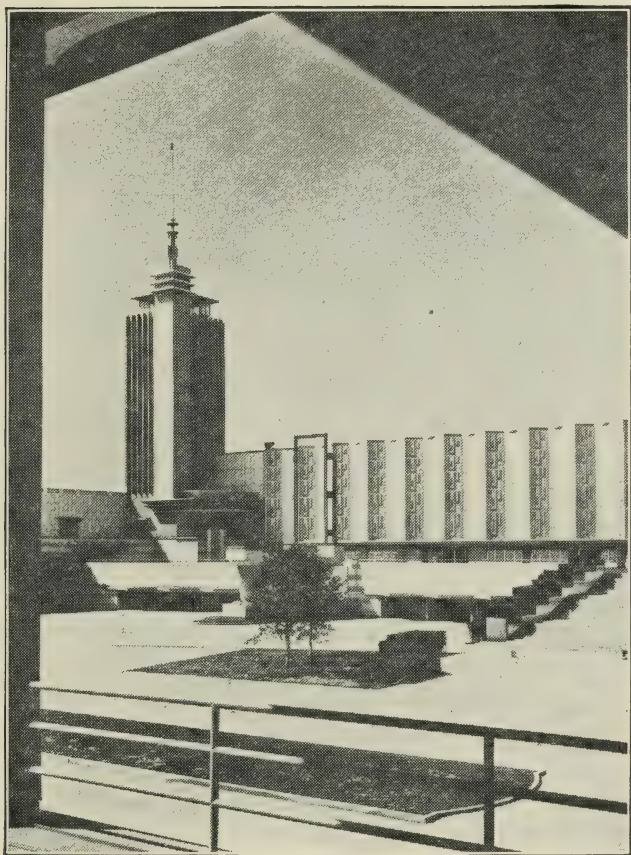
She has already outstripped all of her sister states but two, the Empire State of New York and the Keystone State of Pennsylvania. Chicago is already the second manufacturing city in the United States. By reason of the location of New York State and Pennsylvania on the seaboard it is unlikely that Illinois will soon outstrip these great manufacturing states, but that manufacturing enterprises will continue to multiply and increase in Illinois is beyond question. Illinois has one great enter-



ADMINISTRATION BUILDING, CHICAGO, 1933,
CENTURY OF PROGRESS EXPOSITION
(Courtesy *A Century of Progress.*)

prise nearing completion that will further immensely enhance her opportunities for manufacturing and distributing manufactured products.

Along the banks of the Great Drainage Canal, between Chicago and Lockport, along the banks of the Illinois waterway, and along the banks of the Illinois River between Utica and Grafton, including such considerable cities as Peoria, LaSalle, Pekin, Havana and Ottawa, are locations well adapted for manufacturing, with access to the waterway and the Illinois River where goods could be manufactured and shipped economically by water. Bulky non-perishable goods, particularly such as furniture, pianos, agricultural implements, etc., could be shipped and carried by water much more cheaply than they could be carried by rail; and the manufacture of such commodities at such points would be encouraged and developed by the advantage of cheap freight rates. An enormous trade would be thus developed between Chicago and New Orleans and the river cities between these great termini. A great trade would thus be developed between the central and northern Mississippi Valley and South America. In exchange for our manufactured goods, such as clothing, furniture, agricultural implements and other manufactured goods for which there is great demand in South America, we would be receiving from the Southland and South America such commodities as lumber, coffee, sugar, hides, tobacco, fruits, cotton, wool, nitrates, rubber and genuine mahogany and other valuable woods, all of which are produced in great volume in South America and Central America, for which there is a great demand in this country. The opening up of the waterway, moreover, will enable our manufacturers and farmers to develop a trade between the Mississippi Valley and the Pacific Coast, which today is curtailed by the excessive cost of railway transportation between these sections. I have heard it stated with apparent truth that Chicago manufacturers receiving an order for goods from the Pacific Coast have found it cheaper to ship the goods to New York and thence by water to the Pacific Coast, rather than to send the same by rail west from Chicago to San Francisco.



HALL OF SCIENCE, CHICAGO, 1933,
CENTURY OF PROGRESS EXPOSITION
(Courtesy *A Century of Progress.*)

Another opportunity for the development of manufacture, trade and commerce in Illinois will soon appear. There has been for years an insistent and growing agitation around the Great Lakes and in the East for a modern all-water system of transportation between the Great Lakes and New York and the Great Lakes and the St. Lawrence River. This insistent and growing demand must soon develop into actuality as to one or both. When once goods can be shipped from Chicago to New York or to Montreal by boat without transfer in shipment it will, by its economy of transportation, further develop and enlarge commerce and manufacture in Illinois.

Congress has recently acted favorably upon the application of Illinois for an appropriation sufficient to complete the nearly finished Illinois Waterway and before many moons heavily-loaded, self-propelling barges will be plying between Chicago and New Orleans.

The past progress of Illinois in agriculture, trade, commerce and manufacture has been marvelous. That that progress will continue there can be no possible doubt. Her geographical location, her fertility of soil, her mineral wealth, her extraordinary facilities of transportation by rail and water, the bracing vigor of her climate and the magnificent confidence in her future displayed by her merchant and manufacturing princes have made her and will continue to keep her in the vanguard of the central states and the vigorous contender for primacy among all the states.

There are, however, one or two matters of serious import which should be solved to insure the further rapid development of the state. A state that would grow and develop should have harmony among its citizens and just and equal rights among all its citizens in the selection of its public officials and representatives in Congress and in the making of its laws. These desirable features of government have been guaranteed to the people of the State of Illinois by its Constitution of 1870 now in force. But while the right of equal representation in the Legislature and Congress has been solemnly pledged to the people by its fundamental law, for nearly twenty years it has been in fact denied to the people of Illinois residing in Cook County by

obstinate self-willed, constitution-defying Legislatures. Cook County, as heretofore shown by the report of the U. S. Census officials of 1930, has a population in excess of 330,000 over the combined population of the other counties in the state. This arises from the fact that it contains within its borders the fourth (if not the third) greatest and most populous cities in the world, and its populous suburbs within the county.

Cook County, as I write, under the last congressional apportionment map adopted by the Legislature in 1901, is denied the right of sending fourteen congressmen to Congress as the constitution of the state requires. It is limited now by an unconstitutional state law to sending ten congressmen to Washington.

In relation to Cook County's representation in the Legislature of Illinois, the Illinois law at present in force is equally unconstitutional, discriminatory, unjust and unfair. As heretofore set forth, Cook County under the U. S. Census of 1930 should under the terms of the Illinois Constitution be entitled to be represented in the Legislature by twenty-seven senators and eighty-one members of the lower house. It has, however, today, owing to the obduracy of constitution-defying legislatures for the last twenty years, only nineteen senators and fifty-seven members in the lower house of the Legislature.

This state of unjust and inadequate representation in Congress and the Legislature cannot long continue to exist if the state is to prosper and advance. The American people and the people of Illinois are high spirited and will not long endure discrimination in law prohibited by the constitution. An effort was made in 1922 to alter the present constitution by enacting a new constitution which would have discriminated much less than the present discrimination against Cook County, but it was put to rout by the people of Illinois by a vote over five to one.

Unless the decennial reapportionment of the congressional and senatorial districts of the state is soon made by the Legislature of Illinois, the resentment of the partially disfranchised citizens of Cook County may develop into a demand for separate statehood or the repeated election of a governor pledged to constitutional reapportionment and the vetoing of all bills (except appropriation bills for the necessary functions of govern-

ment) until such constitutional apportionment bills are passed and become laws. Such friction would be most unfortunate and would be likely to temporarily hinder the future progress of the state.

Another matter which has caused much misgiving among the people of Illinois is the enormous expenditures of money frequently made in the elections to the United States Senate. Recent developments have shown that a candidate for the United States Senate from Illinois spent \$242,000 in the campaign for election, and another candidate more recently had expended more than that amount for nomination at the *primary* election. This situation is not, however, peculiar to Illinois. Pennsylvania, Michigan, and it may be other states, have the same unpleasant situation. As the Senate of the United States, however, under the Federal Constitution and laws is the judge of the qualifications of its own members, I suppose we must await the action of that august body. It has shown, however, a firm disposition in the past to deny admission to its body of candidates who have spent fortunes to obtain certificates of election and may adopt some permanent rule which will effectually discourage the practice of wholesale expenditures. Unless it does, only wealthy Illinoisans will be able to compete for the honor of becoming a United States senator, and that tremendously powerful arm of the Federal legislature will become a millionaires' club, and plutocracy will be anchored in the halls of democracy.

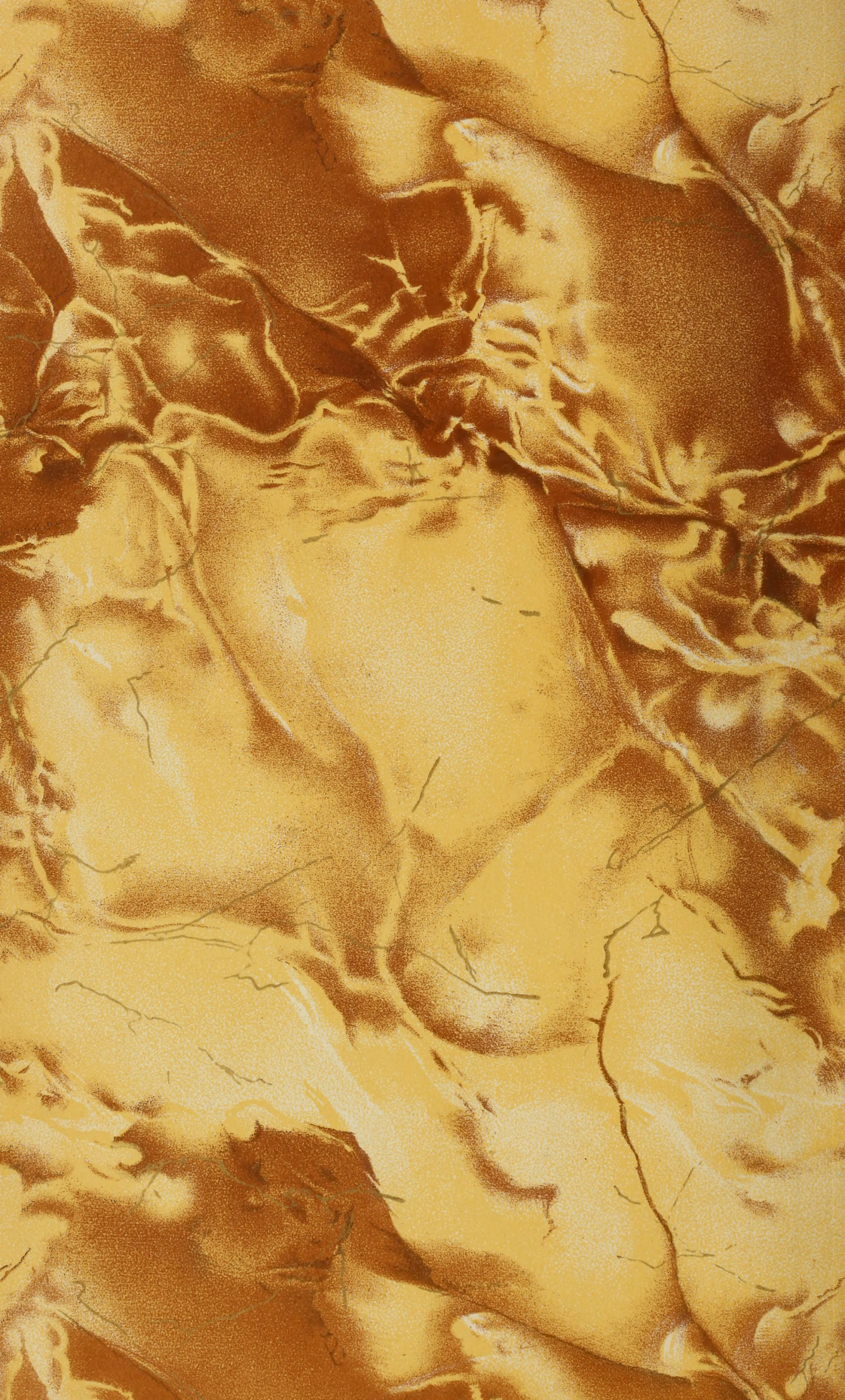
For several decades many billion dollars worth of personal property in the shape of stocks, bonds and mortgages has been escaping assessment and taxation in the State of Illinois as the result of flagrant and deliberate violation of the Constitution by assessors and members of the Boards of Review. The Constitution of the State, Article IX, Section 1, provides:

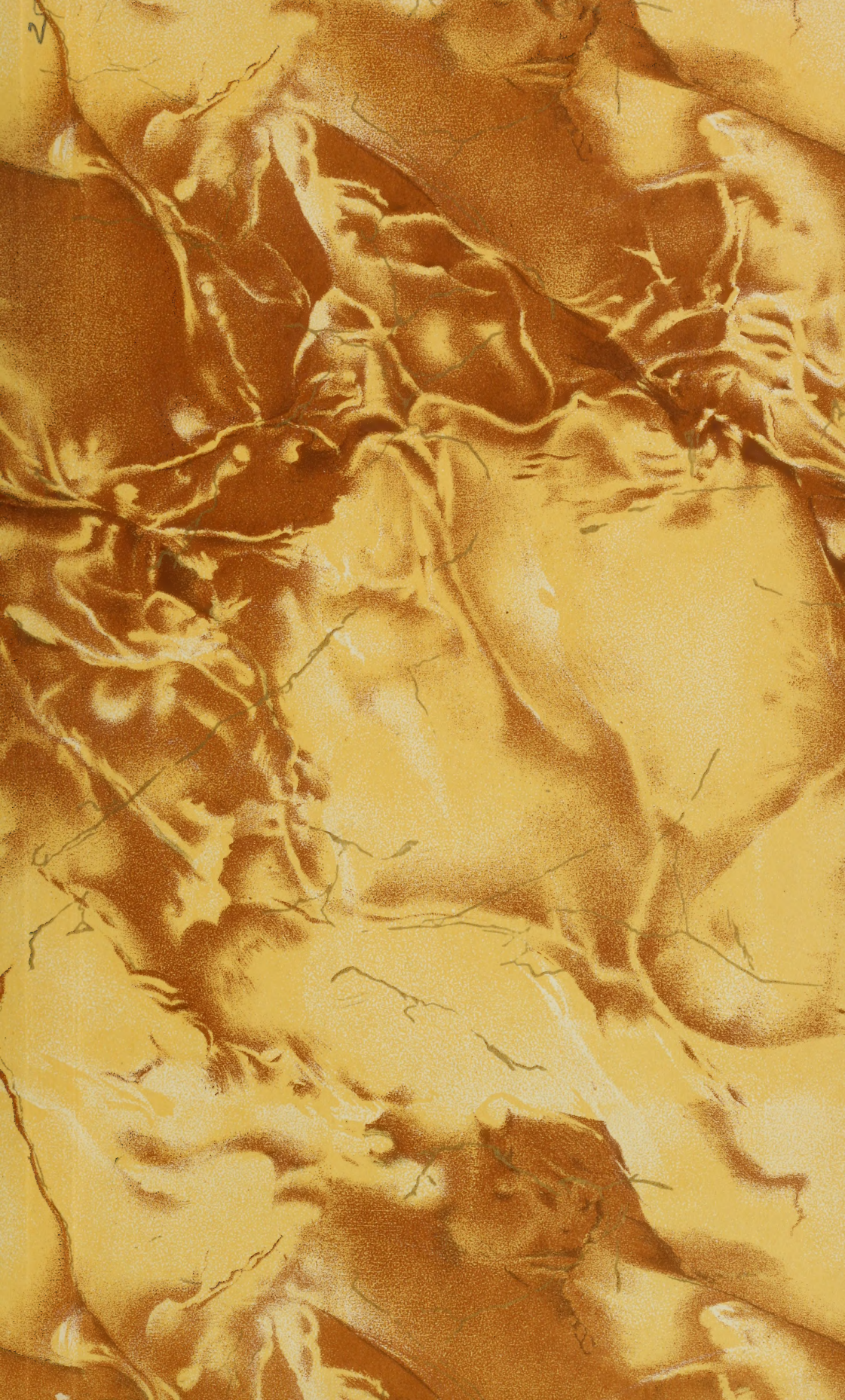
"The General Assembly shall provide such revenue as may be needed by levying a tax, by valuation, so that *every person and corporation shall pay a tax in proportion to the value of his, her or its property.*"

This section makes no discrimination between real estate and personal property. Both are "*property*."

Yet for many years the elected assessors and members of the Boards of Review have flagrantly and deliberately refused, particularly in Cook County, to assess many billion dollars worth of personal property and have thrown practically the whole burden of taxation upon the unfortunate owners of real estate. Approximately 85 per cent of all taxation has been levied upon real estate so that real estate, in 1930, was not worth 60 per cent of what it was worth in 1925. Until this state of affairs is remedied and stocks, bonds and mortgages are assessed as required by the Constitution, there can be no prosperity for the farmers and other real estate owners in Illinois.

These disturbing features in public life, however, can and will, I believe, be disposed of satisfactorily to public sentiment. The State of Illinois, proud of its past history and wondrous development, glorying in its present strength and prosperity, faces the future with a confident reliance that the farmers, manufacturers, merchants, financiers and workingmen of Illinois will work in unison to uphold its great and glorious reputation of the past and if possible, excel the past by the greater developments of the unfolding future.





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